2014 ACM Annual Report

ACM Highlights

The Agrichemical Management (ACM) Bureau administers Wisconsin's regulatory and enforcement programs associated with commercial animal feeds, fertilizers, pesticides and other plant production and pest control materials used in agricultural, urban and industrial settings. The ACM bureau video provides a feel for the widespread impact of the bureau's programs.

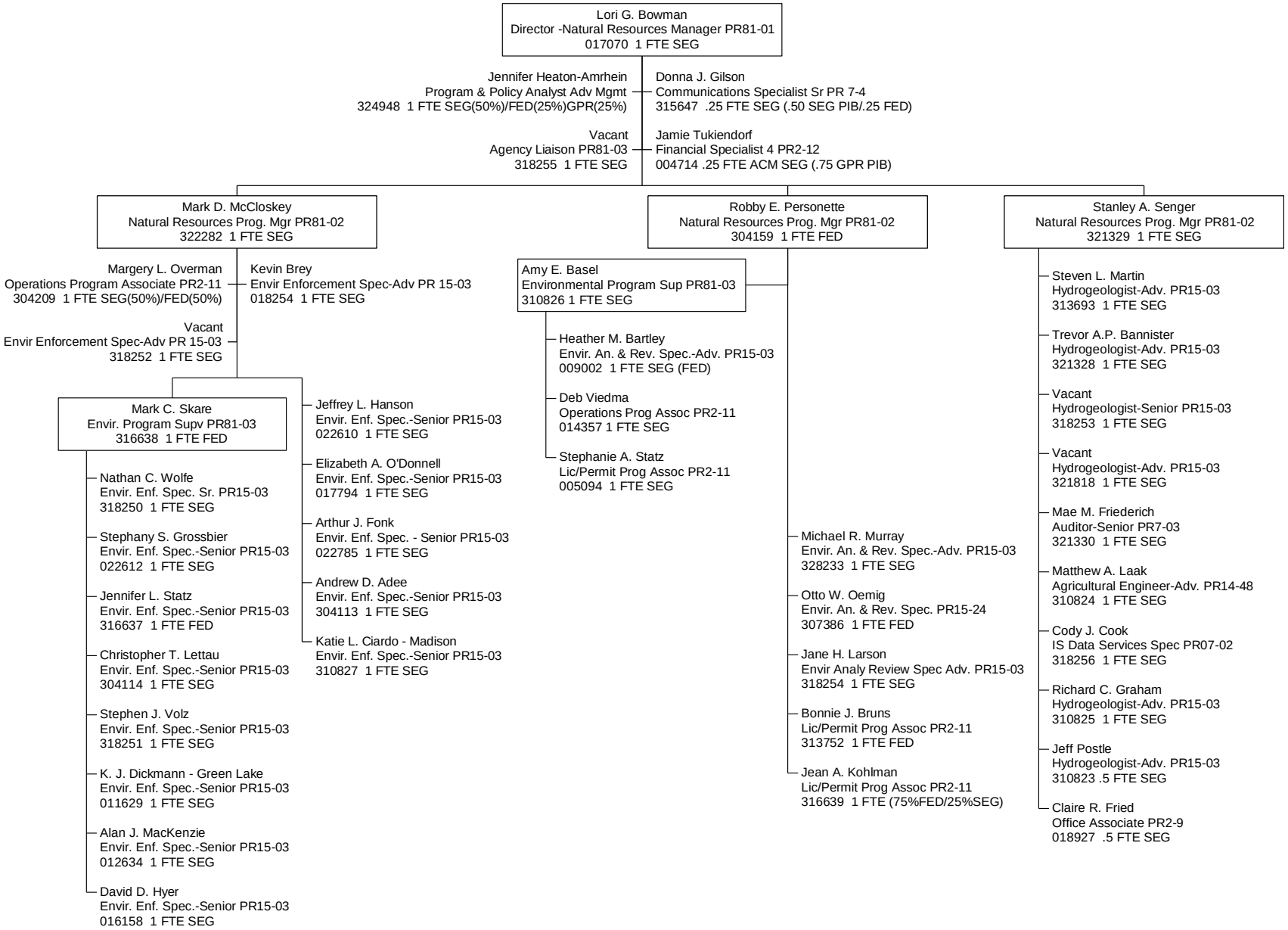
During 2014, we continued our Bureau of Agricultural Chemical Management Information Technology (BAM-IT) project of updating our database systems. The goal of this project is to increase efficiency and data accuracy, eliminate duplication and improve customer service. Some features we hope to include in the upgrade: web-based licensing and tonnage for the fertilizer, feed and pesticide programs; web-based permits for soil and plant additive, feed export certificate, fertilizer and special registration programs; and the ability to accept electronic payments and credit card payments online.

Phase One in the system upgrade has been to conduct a detailed analysis of the 20-plus bureau programs in a very thorough and systematic approach. This analysis includes an intense and rigorous evaluation of the state administrative rules, state statutes, and federal codes governing each program area. Also included is a review of existing department policies and procedures to ensure they are up to date and complete. While going through this evaluation, we have re-engineered many programs and improved many process in our bureau operations and process flows. One example of an improvement we made this past year was to use Microsoft OneNote to create a central repository of information about the feed program. The repository is accessible to the program specialist, field staff and managers, and includes all program information about feed ingredients, interpretations, and inspection forms. This program improvement ensures information and knowledge is available bureau wide and can be accessed even in the absence of a particular staff person. We anticipate many more similar improvements, with the end result being efficiently-run bureau programs, better customer service, and an IT system to manage our data and support our programs.

Similar to 2013, the ACM Bureau was significantly impacted by retirements and staffing changes during 2014. Many of these positions have or will be redesigned to meet future program and industry needs. This large workforce change has and will continue to require significant staff and management time to train new employees. An updated bureau organization chart with contact information has been prepared.

For more information about any of the bureau programs you may email the department.

Wisconsin Department of Agriculture, Trade and Consumer Protection
Agricultural Resource Management - Bureau Agrichemical Management
41.50 FTE



Financial Overview

This financial overview covers the state fiscal year 2013-14 which ran from July 1, 2013 through June 30, 2014. Federal grants run on a different cycle (October 1, 2013 through September 30, 2043) than the state fiscal year; this report covers those portions of the federal grants that occurred during the state fiscal year. The following flowchart depicts the revenue and expenditure streams related to industry fees collected by the ACM Bureau. The five tables identified within the flowchart are further explained below. The Environmental Fund supports Clean Sweep grants to local governments and the revenue and expenditures for Clean Sweep grants are not included in any of the five tables with the exception of a one-time transfer of $750,000 from the ACM Fund to the Environmental Fund that was a statutory correction to the Clean Sweep program's funding cycle.

Program Highlights

Revenues

$7,974,641 – ACM Fund

$3,038,142 – ACCP Fund

$2,221,327– Other

$671,168 – Federal Funds

Expenses

$5,979,530 – ACM Operations

$1,074,887– ACCP Reimbursements

$1,013,293 – ACM Funds directed to Non-ACM Programs

$2,971,327 -- Funds Collected by ACM Bureau and sent elsewhere (includes one-time budget fix of $750,000 for Clean Sweep)

The primary source of funding for the ACM Bureau is industry fees for licenses, permits, registrations and tonnage fees under the feed, fertilizer, soil and plant additive, lime, and pesticide programs. In addition, the U.S. Environmental Protection Agency and the U.S. Food and Drug Administration also provide some funding to cover annual program expenses. The ACM Bureau recognizes this important partnership with industry and the federal government and works hard to maximize the use of this funding for the benefit of the industry, consumers, and the environment.

Agrichemical Management Fund (ACM Fund)

The ACM Fund is the primary source of funding for the regulatory, investigative and enforcement aspects of the ACM Bureau. Table 1 shows the money collected and deposited into the ACM Fund from industry fees for licenses, permits, registrations and tonnage fees under the feed, fertilizer, soil and plant additive, lime, and pesticide programs.

FY 2013-14 Other ACM Program Revenues

In addition to the industry fees, the ACM programs are also supported by grants from the following federal agencies:

- Environmental Protection Agency (EPA)
- Food and Drug Administration (FDA)
- United States Department of Agriculture (USDA)

The EPA pesticide grant is the largest grant and is for implementing, investigating and enforcing federal pesticide use laws and regulations. Our cooperative efforts with FDA provide funds for inspection of certain higher risk medicated feed producing establishments and allows for monitoring of the affected industries, including feed manufacturers, ingredient transporters and ruminant animal feeders, which are all regulated by the Bovine Spongiform Encephalopathy (BSE) feed ban. The bureau also received a small grant from the USDA specialty crop block grant program. Table 2 is a summary of the total ACM revenues collected to operate the programs within the ACM bureau.

Agricultural Chemical Cleanup Program Fund (ACCP Fund)

The ACCP Fund is used to make reimbursement payments for agricultural chemical spill cleanups. Table 3 shows the money collected and deposited into the ACCP Fund from industry surcharges. As can be seen in Table 3, the fund balance is growing as revenues continue to outpace expenditures. A 20% reduction in surcharges was approved in the 2013-2015 budget bill, but those surcharge reductions have not yet been fully realized due to the timing of surcharge collections. In addition, a large legal settlement increased the ACCP Fund balance in FY14. While additional appropriations had been added to this fund in recent budget bills, in 2014 all non-ACCP related expenditures were removed from the ACCP Fund.

Non-ACM Programs

In addition to the fees paid to the ACM and ACCP Funds, the ACM Bureau collects fees that are directed solely to other state agencies or programs. Table 4 shows the fees that are collected by the ACM Bureau from industry and directed by statute to Non-ACM programs. Table 5 shows how much money is collected for each non-ACM program. In addition, some of the non-ACM programs' expenditures do come directly from ACM fund revenues. All of the non-ACM program expenditures that come from the ACM Fund are required by statute.

Direction for the Coming Year

As shown in Table 1, the ACM fund continued to have a large fund balance remaining at the end of the fiscal year. Over the years, similar balances have been lapsed and used for purposes other than ACM programs. The Bureau is continuing to designate and use some of this balance for updating outdated IT systems within the Bureau. In doing so, the fund balance will be utilized for programs for which the fees were originally collected. Improvements will include several updates to make it easier to do business including on-line licensing and permitting and the ability to make electronic payments. The bureau continued the detailed discovery phase for the project in 2014. Based upon the outcome of this process, the department will likely prepare a detailed request later in 2016 to include utilizing a portion of the ACM fund balance for updating ACM bureau IT systems.

In addition, the bureau began a comprehensive review of all revenues and expenditures ("RevEx") to ensure fee levels and revenues are appropriate and properly aligned with bureau expenditures. RevEx will also be reviewing how fees are collected and the timing of various licenses. Bureau staff will be working with a stakeholder working group and several subcommittees throughout 2015 and 2016 in order to make recommendations by fall 2016. Legislation will likely be required to implement some recommendations.

For more information you may email the department.

Table 1: ACM Fund

Source	Fee	Revenue		
Feed License	$25	$36,104		
Feed Tonnage	$0.23/ton	$1,032,753		
Fertilizer License	$30	$23,739		
Fertilizer Permits	$25 one time	$17,316		
Fertilizer Tonnage*	$0.30/ton	$387,261		
Lime License	$10	$1,436		
Pesticide Application Business	$70	$155,773		
Pesticide Dealer-Restricted Use	$60	$19,253		
Pesticide Individual Applicator	$40	$324,979		
Pesticide Reciprocal Certification	$75	$30,209		
Soil & Plant Additive License & Permits	$25 annual lic. $100/1xpermit	$25,089		
Soil & Plant Additive Tonnage*	$0.25/ton	$37,284		
Special Local Needs Permit	$250/permit	$250		
Pesticide Registration** Household sales $0-24,999	$141	$734,812		
Pesticide Registration** Household sales $25,000-74,999	$626	$289,790		
Pesticide Registration** Household sales $75,000 plus	$1,376	$752,933		
Pesticide Registration** Industrial sales $0-24,999	$221	$209,691		
Pesticide Registration** Industrial sales $25,000-74,999	$766	$67,064		
Pesticide Registration** Industrial sales $75,000 plus	$2,966	$311,609		
Pesticide Registration** Non-household $0-24,999	$226	$1,072,384		
Pesticide Registration** Non-household $25,000-74,999	$796	$307,508		
Pesticide Registration** Non-household $75,000 plus	$2,966 + 0.2%	$2,102,289		
Late Fees		$35,239		
Refund prior year expenditure		$420		
Other agencies within fund				
ACM Misc. Revenue (Interest, etc.)		($544)		
Revenue Total		$7,974,641		
Opening Balance		$6,090,315		
Available Funds		$14,064,956		
Expenditures				
ACM Program			$5,979,930	
Non-ACM Programs			$1,763,293	
Expenditures Total			$7,743,223	
FY 13-14 Ending Balance				$6,321,733

* The fertilizer and soil & plant additive tonnage fees were collected in the previous year's sales.

** Pesticide registrations are deposited by statute to each fund, but the breakdown between fee levels is not recorded in the financial system. The breakdown shown here is based on apportioning the actual payments based on the estimated sales levels reported at the time of product registration.

Table 2: ACM Program Revenues Collected 2014)

Source	Amount
ACM Fund	$7,974,641
EPA Grant	$513,089
FDA Grant	$79,790
Specialty Crop Block Grants	$19,450
Total Revenues	$8,586,970

Table 3: ACCP Fund

Source	Surcharge	Revenue		
Fertilizer License	$11.2 if no pesticide license	$5,612		
Fertilizer Tonnage*	$0.35/ton	$731,007		
Pesticide Application Business	$30.40	$68,015		
Pesticide Dealer-Restricted Use	$22.40	$7,134		
Pesticide Individual Applicator	$11.20	$91,945		
Pesticide Registration** Non-household $0-24,999	$2.80	$15,152		
Pesticide Registration** Non-household $25,000-74,999	$96	$42,360		
Pesticide Registration** Non-household $75,000 plus	0.60% of sales	$1,434,185		
ACCP Misc. Revenue (Interest, etc.)		$276		
ACCP Settlement Revenue		$642,457		
Revenue Total		$3,038,143		
Opening Balance		$1,863,567		
Available Funds		$4,901,710		
Expenditures				
ACCP Reimbursements			$1,074,887	
Non-ACM Programs			$0	
Expenditures Total			$1,074,887	
FY 13-14 Ending Balance				$3,826,823

* The fertilizer tonnage fee is for the previous year's sales.

** Pesticide registrations are deposited by statute to each fund, but the breakdown between fee levels is not recorded in the financial system. The breakdown shown here is based on apportioning the actual payments based on the estimated sales levels reported at the time of product registration.

Table 4: Other Revenues

Source	Fee	Revenue		
Feed Tonnage	$0.02	$89,778		
Fertilizer Tonnage*	$0.30	$636,076		
Lime Tonnage*	$0.01	$11,779		
Soil & Plant Additive Tonnage*	$0.20	$28,542		
Primary Producer Fee	$150.00	$24,600		
Pesticide Registration** Household sales $0-24,999	$124	$590,488		
Pesticide Registration** Household sales $25,000-74,999	$124	$52,452		
Pesticide Registration** Household sales $75,000 plus	$124	$62,000		
Pesticide Registration** Industrial sales $0-24,999	$94	$81,498		
Pesticide Registration** Industrial sales $25,000-74,999	$94	$7,520		
Pesticide Registration** Industrial sales $75,000 plus	$94	$9,024		
Pesticide Registration** Non-household $0-24,999	$94	$406,926		
Pesticide Registration** Non-household $25,000-74,999	$94	$33,182		
Pesticide Registration** Non-household $75,000 plus	$94	$43,240		
Pesticide Registration** Industrial sales (Wood) $0-24,999	$5.00	$693		
Pesticide Registration** Industrial sales (Wood) $25,000-74,999	$170.00	$0		
Pesticide Registration** Industrial sales (Wood) $75,000 plus	1.10%	$133,246		
Revenue Total		$2,211,044		
Opening Balance		$0		
Available Funds		$2,211,044		
Expenditures				
Non-ACM Programs			$2,200,761	
ACM Administrative Fee (3.5%) Fertilizer Research			$10,283	
Expenditures Total			$2,211,044	
FY 12-13 Ending Balance				$0

* The fertilizer, lime and soil & plant additive tonnage fees were collected in the previous year's sales.

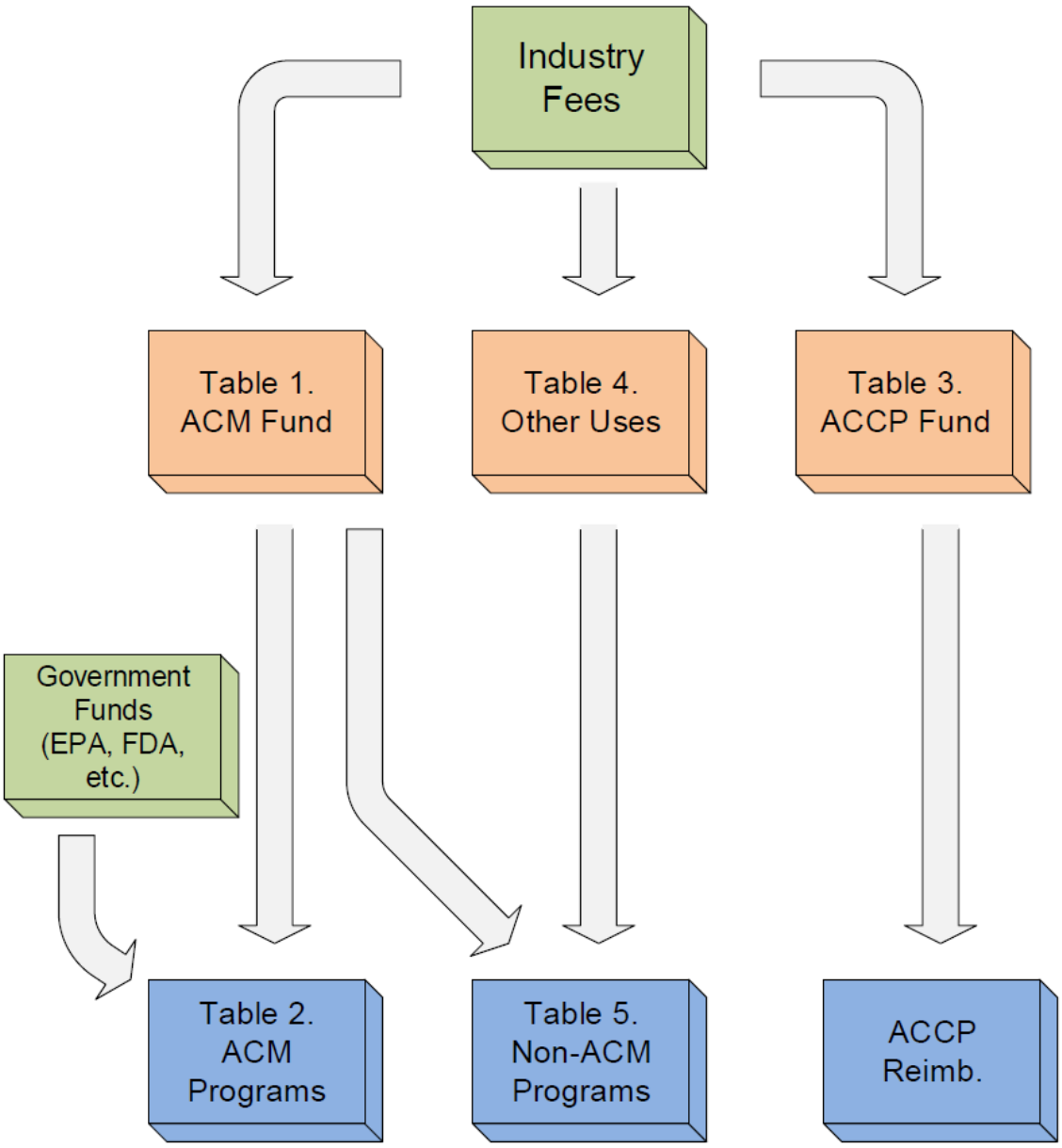
** Pesticide registrations are deposited by statute to each fund, but the breakdown between fee levels is not recorded in the financial system. The breakdown shown here is based on apportioning the actual payments based on the estimated sales levels reported at the time of product registration.

Table 5: Non ACM Program Uses

Program	Amount
DNR-Environmental Fund*	$2,375,408
UW	
UW - Fertilizer Research Council	$294,737
UW - Nutrient Management Program	$166,268
UW - Lime	$11,779
Other DATCP Programs	
Weights and Measures	$123,135
Animal Health Division (ACCP)	$352,500
Discovery Farms (ACCP)	$248,394
Ag in the Classroom (ACM)	$93,900
Grazing Grants (ACM)	$318,499
Non-ACM Program Uses Total	$3,984,620

*Includes one-time transfer of $750,000 for Clean Sweep

Flowchart 1. Revenue and Expenditures Flow



Agricultural Chemical Cleanup Program

The Agricultural Chemical Cleanup Program (ACCP) directs cleanups of pesticide and fertilizer contamination that results from sudden accidental spills (acute spills) as well as small releases that occur through handling practices that, over time, can add up to significant contamination (long-term cleanups) of soil and or groundwater at a given site. The program helps minimize contamination of surface water, groundwater and the surrounding environment by ensuring that all agricultural chemical cleanups are conducted effectively and in a timely manner. The program also provides reimbursement for a portion of eligible cleanup costs incurred by the responsible persons.

Program Activities

Program Highlights

- 5 New ACCP cases
- 132 Active long-term cases
- 31 New spill responses
- 18 ACCP and 6 spill cases closed
- 179 Workplans/Reports reviewed
- 131 Cost estimates approved
- 26 Landspreading permits issued

Remediation: In calendar year 2014, the program closed 15 long-term cleanup cases. A total of five new long-term cases were added in 2014. The number of active cleanup sites as of December 31, 2014 was approximately 130. Program staff reviewed 124 work plans and other cleanup-related reports, 88 cost estimates, and issued 17 landspreading permits associated with long-term remediation sites. Chart 1 summarizes the number of long-term cases that were opened and closed in the last five years. The majority of long-term cleanup cases closed are closed with residual soil and/or groundwater contamination that requires listing on the DNR's GIS Registry of Contaminated Sites. Four of the newly opened cleanup sites were opened as a result of sampling during new construction planning, site decommissioning or Phase 2 ESAs. One site was opened following sampling by DATCP staff in areas where obvious contamination was present.

Staff responded to 31 acute spills and closed six of them. Chart 2 shows the numbers of reported spills, the number of spill cases closed in the same year they occurred and the total number of spill cases closed in each of the last five years. In 2014, there was a very sharp decrease in the number of spill cases closed in the same year it opened. The reasons for that were that there was a new spill coordinator and it was a training year for field staff. Consequently, there was a delay in receiving narratives and closing spills; 2015 should show. Any remaining open acute spill cases will be closed following completion of the necessary investigative and remedial actions.

Reimbursement: During calendar year 2014, the program received 41 applications for reimbursement totaling $2,472,949.45 and the ACCP Fund paid a total of $1,424,246.23 in reimbursements. Chart 3 shows the ACCP reimbursement payments made in each of the last five years.

In 2013 the Department of Justice and the Department of Agriculture, Trade and Consumer Protection reached a $774,000 settlement agreement in State v. Agro Distribution, et al. (Rock Co. Cir. Ct. 11-CV-1916). Under this agreement, Agro Distribution, et al. and their insurer paid $550,000

into the ACCP fund in 2013. In addition, Agro Distribution, et al. was required to forgo an additional $224,000 that the ACCP fund would otherwise pay to the defendants as reimbursement for cleanups at other sites. The amount forgone in 2013 was $51,871.99. The amount forgone in 2014, by Agro Distribution, et al. was $79,670.99. Since Agro Distribution, et al. did not submit sufficient eligible costs to reach the $172,128.01 required, Agro Distribution, et al. directly paid $92,457.02 into the ACCP fund. The attached press release contains links which provide the case details. The deposits to the fund following the settlement with Agro Distribution et al increased the fund balance in 2013 by $601,871.99. It increased the fund balance an additional $172,128.01 in 2014, fulfilling the total $774,000 required in the settlement agreement.

The FY 13-15 Budget Bill included both funding and operational changes that impact the ACCP. These changes became effective July 2, 2013. Since that date, of the 20 construction plans reviewed by the program, 8 were for facilities on locations that a bulk storage facility had not been in operation or licensed, or had not filed construction plans under ch. ATCP 33 for that facility before 7/2/13. Each of these eight facilities is ineligible for ACCP reimbursement.

The 20 percent reduction in surcharges included in the budget bill has not been fully realized in the ACCP fund balance during 2014 due to the timing of surcharge collections. It is further complicated by fluctuations in annual fertilizer and pesticide sales. The bureau and program will continue to evaluate the balance of the ACCP fund and make recommendations as needed to manage it at the statutorily required level. The condition of the fund will be part of the comprehensive financial review project ("RevEx") mentioned in the financial overview.

Direction for the Coming Year

In the coming year, ACCP staff will continue to manage cleanup activities on more than 130 existing ACCP cleanup sites. We anticipate gaining 5-10 new long term cleanup cases and estimate that we will respond to 30-40 discrete agricultural chemical spills. We estimate that we will provide approximately $1 million of financial reimbursement for eligible cleanup work performed.

For more information about the ACCP you may email the department.

A steep, soft road shoulder contributed to a sprayer rollover which resulted in the release of herbicide application solution into a marshy area in Buffalo Co.

A helicopter crash during an aerial application led to a spill of herbicide mix in Monroe Co.

A spill from a farm truck. Slow reporting and response led to unnecessary tracking of a pesticide by vehicular traffic in Portage Co.

The most common causes for spills during 2014:

- *Transportation accident due to vehicle operator error (26%)*
- *Hose/appurtenance failure in-transport (26%)*
- *Inadequate container anchoring in-transport (10%)*
- *Tank Failure in-transport (6%)*

Chart 1: ACCP Long-Term Cases Initiated and Closed by Year (2009-2014)

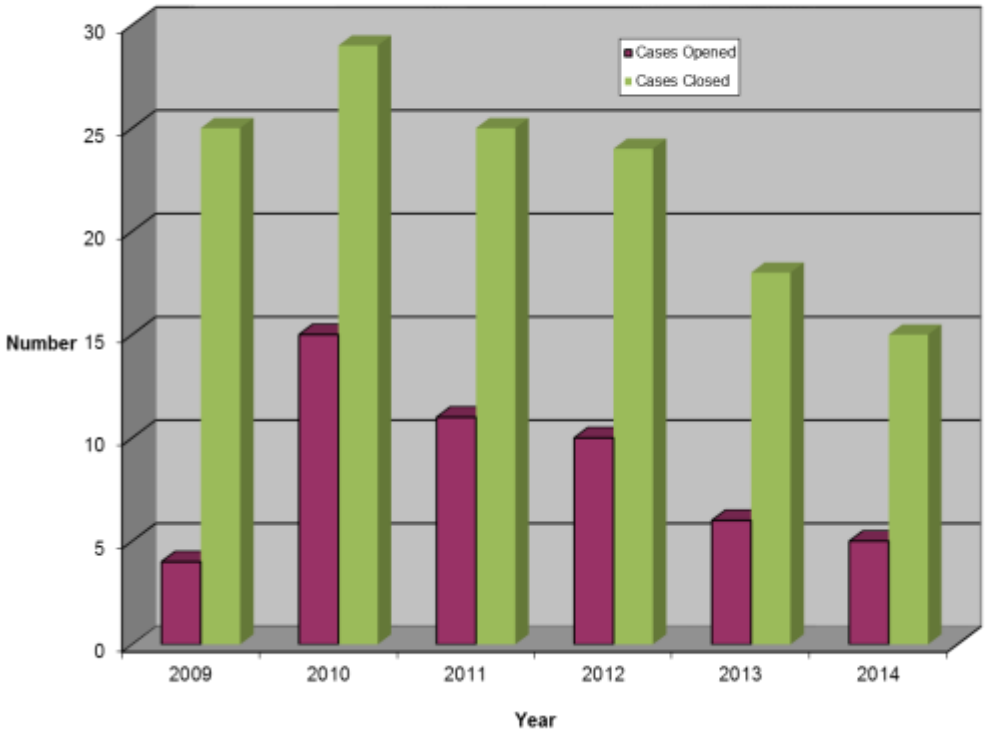


Chart 2: Number of Spill Cases by Year (2009-2014)

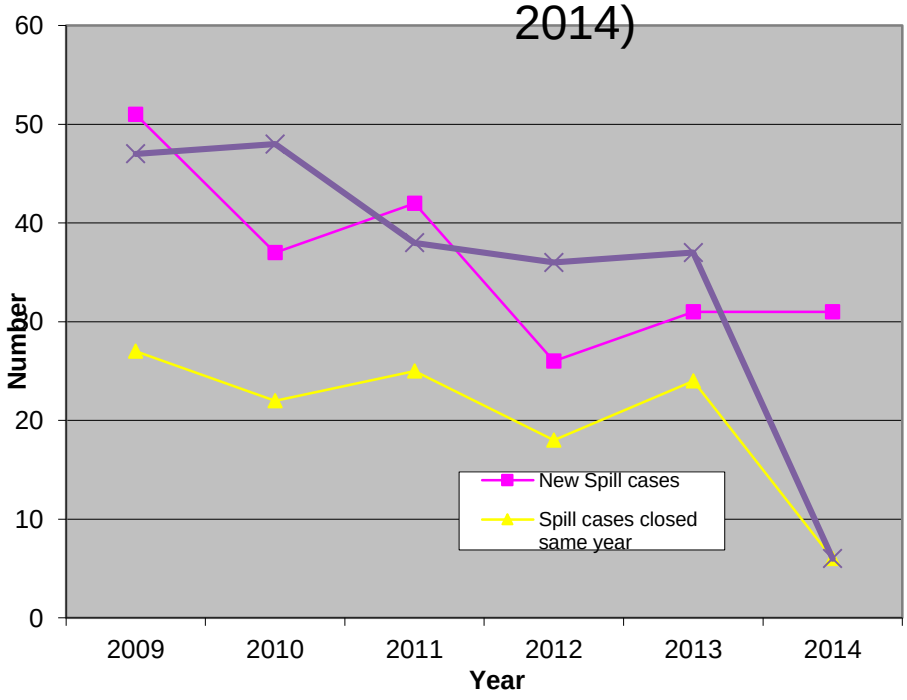
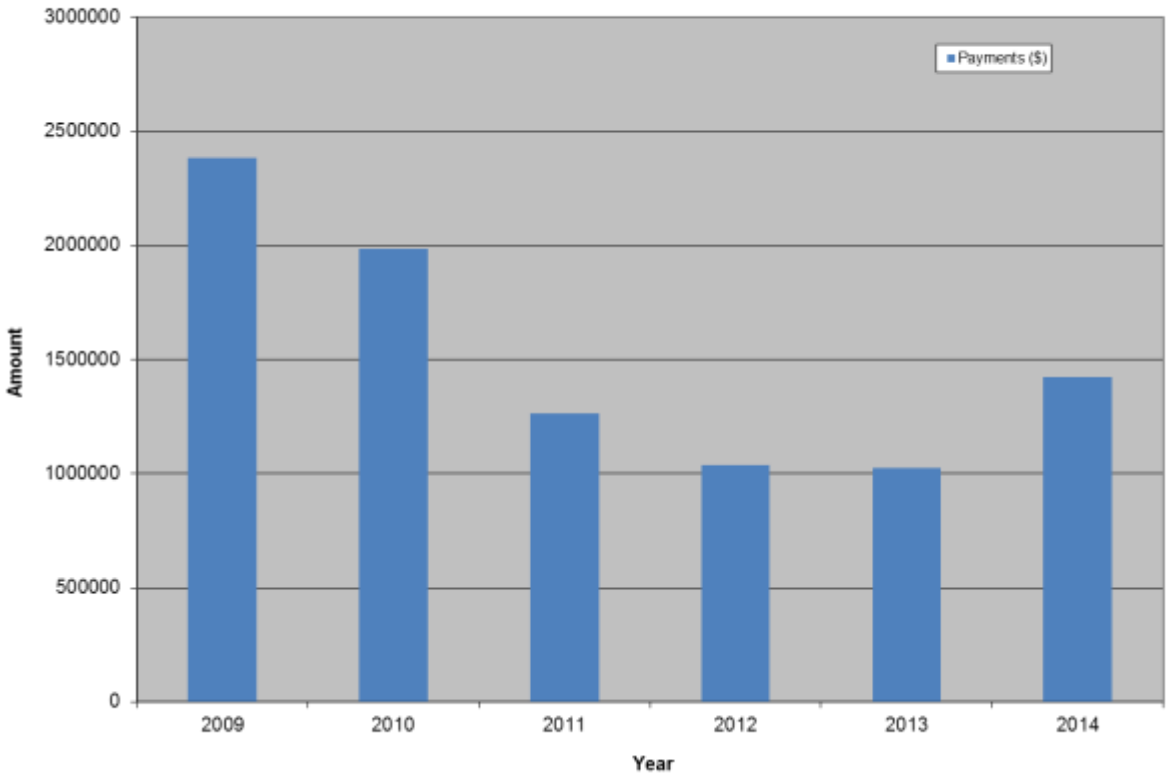


Chart 3: ACCP Reimbursement Payments by Year (2009-2014)



Certification and Licensing

DATCP is responsible for administration of the state's pesticide applicator certification and licensing programs. Certification is required to show that individuals can competently apply pesticides and follow regulations; licensing gives individuals the professional credentials to be a pesticide applicator. The department licenses pesticide application businesses, restricted-use pesticide dealers and commercial pesticide applicators.

Certification

Individuals that apply restricted-use pesticides or that commercially apply pesticides must become certified pesticide applicators. To become certified an applicator must 1) purchase a training manual from the University of Wisconsin Pesticide Applicator Training program (UW PAT) and, 2) pass DATCP's written certification exam. People may be certified as a commercial or private applicator. Certification is valid for five years from date of testing. DATCP administered over 6,600 certification exams in 2014.

Program Highlights

- 32,000 Total applicator certifications
  - 18,800 Commercial certifications
  - 13,200 Private certifications
  - 3,800 First-time certifications in 2014
- 10,600 Licenses
  - 2,100 Pesticide application business licenses
  - 8,300 Individual commercial pesticide applicator licenses
  - 400 restricted-use pesticide dealer licenses
- 20 UW PAT training sessions

Commercial certification exams are proctored at DATCP locations in Eau Claire, Green Bay, Madison, Spooner, Waukesha, and Wausau. Exams are also given at the conclusion of UW PAT training sessions and after certain UW and Technical College courses. Over 3,700 commercial and 1,900 private applicators were certified during 2014.

Commercial applicator certification covers a broad array of individuals that make pesticide applications for hire. As can be seen in Table 1, the department certifies commercial applicators in 20 certification categories spanning a wide range of industries such as structural pest control, lawn care, crop production, mosquito control, right of way maintenance and wood preservation. Wisconsin's commercial applicators hold 18,000 certifications in these categories.

Private applicators are individuals that apply or handle restricted-use pesticides on property used for the production of an agricultural commodity which is owned or rented by the applicator or their employer. Table 2 indicates the certification categories for private applicators. Private applicators may elect to attend training offered by their county UW extension (UWEX) agent. Private applicator exams are also offered by county UWEX agents. There are approximately 12,400 private applicators holding 14,900 certifications in Wisconsin.

Chart 1 shows the total number of private and commercial certifications held in each of the last five years.

DATCP collaborates with the UW PAT program on applicator education and outreach activities. Certification training manuals are revised by UW PAT on a five-year cycle. Each time the training manuals are revised DATCP develops a new certification exam. To ensure technical accuracy and fair exam questions, DATCP and UW PAT staff collaborate during both the manual and exam revision process. In 2014, three commercial training manuals were revised and the corresponding exams were updated. UW PAT held 20 training sessions in seven different commercial categories; DATCP proctored exams at each of these sessions.

Licensing

There are three pesticide-related licenses issued by DATCP. Chart 2 indicates the total number of licenses issued during the last five years. An individual commercial applicator license is required for persons applying a restricted-use pesticide as a commercial applicator, and for persons applying any pesticide on a for-hire basis excluding janitorial use of sanitizers, disinfectants and germicides. A pesticide application business license is required for any business making for-hire pesticide applications. A restricted-use pesticide dealer license is required for pesticide dealers selling restricted-use pesticides.

Program Activities

Commercial for-hire pesticide applicators and handlers must be both licensed and certified, whether they are using restricted-use or general use pesticides. Commercial not-for-hire applicators (e.g. a groundskeeper that only applies pesticides at their employer's commercial building) must be certified and licensed only if applying or handling restricted-use pesticides. The licenses must be renewed each year. In 2014, there were 6,950 licensed commercial for-hire applicators, and 1,350 licensed commercial not-for-hire applicators. Of the commercial not-for-hire applicators, 680 were employees of governmental or educational institutions. The number of individual commercial applicators increased by over 30% in 2014 from 2013. Over half of this increase is attributable to an actual increase, including a large upsurge in turf and landscape applicators and businesses. However, the rest of the increase is related to a database querying error in 2013 that resulted in significant undercounting of the licensed applicators in that year. Due to system limitations, the department cannot correct the 2013 error.

Pesticide issues related to wildlife are coordinated with the Department of Natural Resources (DNR), including consultation on the issuance of 6 pesticide purchase and use permit applications for small mammal control, and the issuance of 84 pest bird permits.

Common Rule Violations

The department continues to encounter individuals operating as pesticide applicators without proper certification and licensing. During 2014, the department identified violations at eleven businesses operating without the proper licensure, or employing uncertified or unlicensed applicators. Nine individuals were also penalized for making pesticide applications without proper individual commercial applicators license. Most of these violations related to non-licensure were with the turf and landscape industry. Failure to obtain the proper licensure is often attributed to a lack of knowledge of state pesticide regulations.

Records inspections and pesticide use observations uncovered various violations. Commercial applicators must keep a record of each pesticide application for two years. DATCP investigators reviewed application records for compliance at more than 47 application businesses during 2014. The three most common violations were incomplete application records, the post application information was lacking information and failure to provide the customer with either pre or post application information. Restricted-use pesticide dealers are also required to keep sales records. The two most common violations were incomplete sales records and sales of restricted–use pesticides to uncertified individuals. Generally, violations involving sales of restricted-use pesticides to uncertified individuals results in enforcement action against the company as well as the uncertified individual.

Direction for the Coming Year

The department will increase the number inspections for compliance with the pesticide application record keeping requirements in 2015. This includes expanding the focus to a wider variety of industries. Application businesses employing unlicensed and uncertified business will continue to be a focus area. Over the next year the department will assist UW PAT in revising four certification category training manuals and will write new certification exams for each revised category.

In addition, DATCP is partnering with the University of Wisconsin (UW) La Crosse, UW Milwaukee, UW Parkside and the UW Platteville campuses to offer commercial pesticide certification exams during February through April. This will include a weekend test date. The department will evaluate this pilot project, and other options to offer more certification exam testing opportunities in future years.

For more information you may email the department.

Chart 1: Total Certified Applicators by Year (2009-2014)

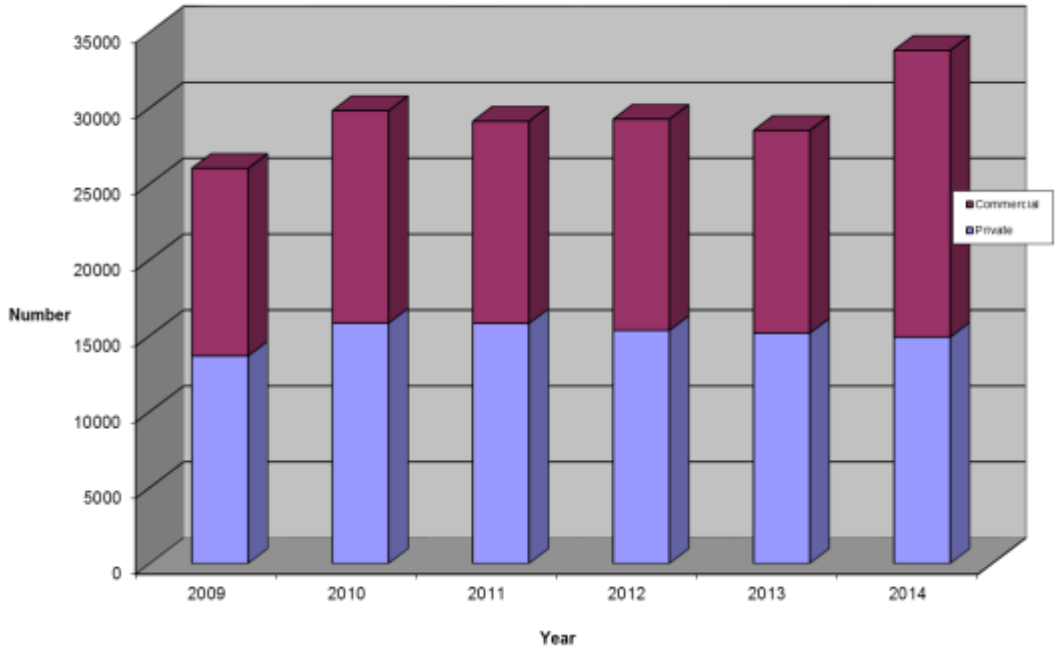


Chart 2: Total License Numbers by Year (2009-2014)

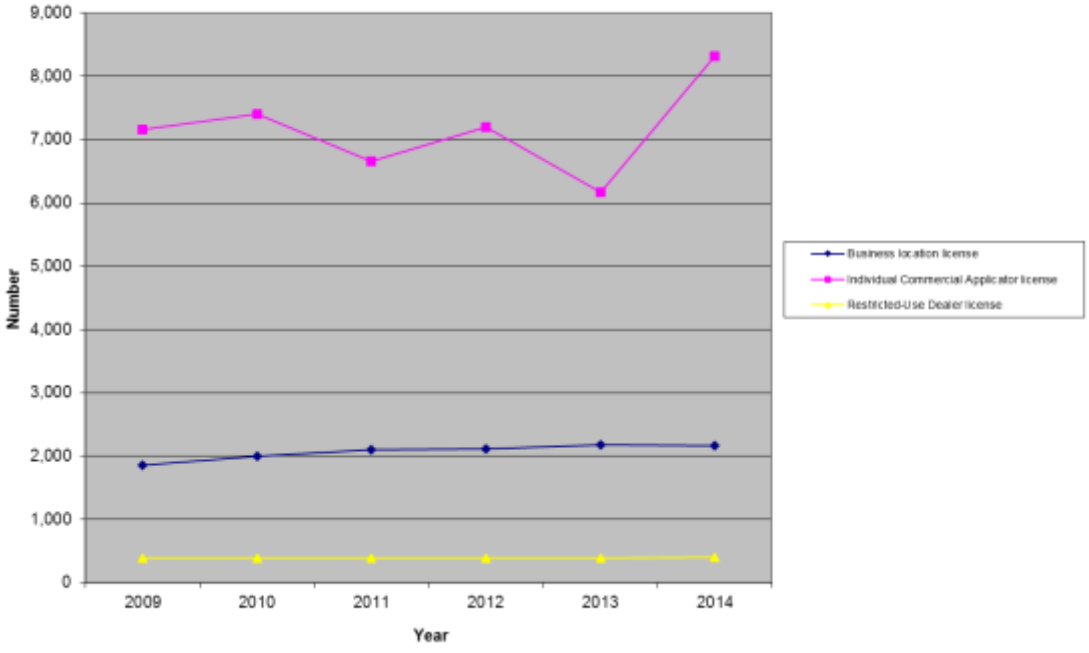


Chart 3: Number of Commercial Applicators certified in each category

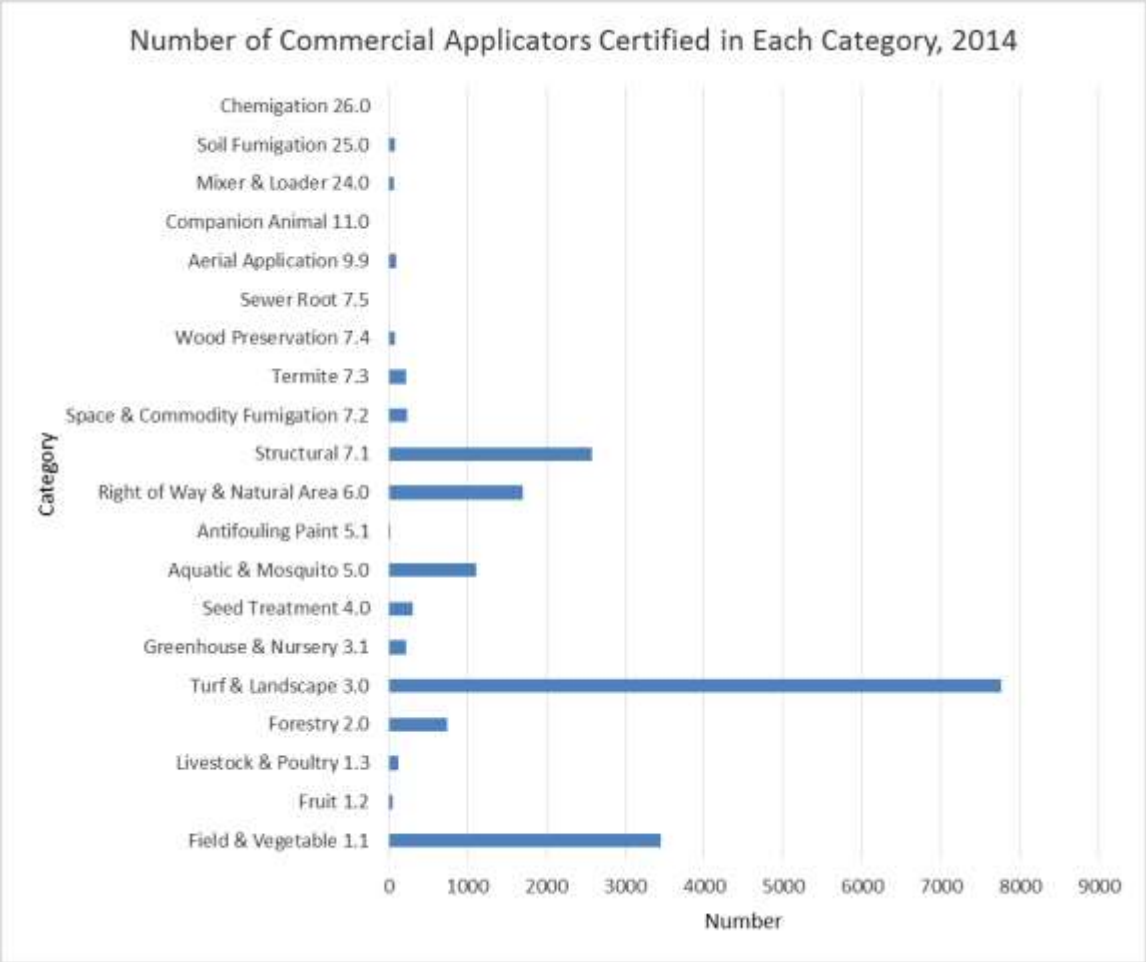
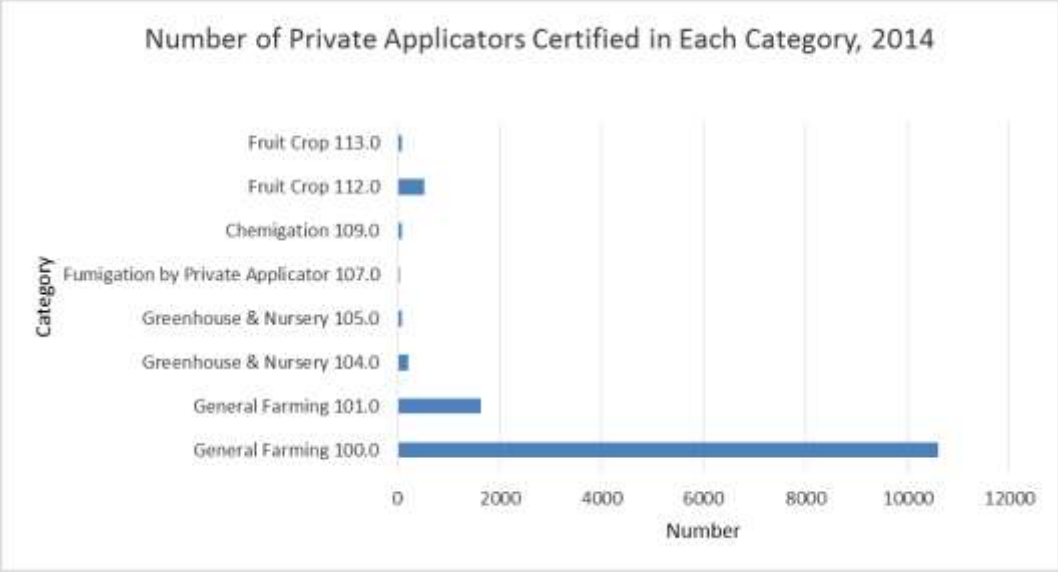


Chart 4: Number of Private Applicators Certified in Each Category



Clean Sweep

Wisconsin Clean Sweep offers grants to local governments for the collection and disposal of agricultural waste (AW), household hazardous wastes (HHW) and unwanted prescription drugs (Rx). Farms (both active and inactive), households, and certain businesses, called "Very Small Quantity Generators (VSQGs)", are eligible to use Clean Sweep services. The program's goal is to help create options for Wisconsin residents and businesses to protect themselves, their family, livestock, pets and the environment from the harmful effects of improper waste storage and disposal. Grant recipients are required to provide a 25 percent match of the total project costs.

Program Activities

In 2014, 50 counties, 5 cities, 6 villages, 6 tribal nations and a sewerage district were beneficiaries of one or more types of the 31 HHW, 22 AW, and 28 Rx grants made available. Some grantees were multi-municipal partnerships, reaching broad geographic areas while others focused on the needs of a city and surrounding towns. More than $1.4 million was requested with only $750,000 available for distribution. All grant applications deemed eligible were funded. An additional $13,200 of unspent 2013 grant dollars were redistributed among the household hazardous waste collections.

Program highlights

- 59 Grants (some communities have more than one grant type)
  - 22 AW
  - 31 HHW
  - 28 Prescription Drug
- 2,581,800 Pounds of Waste
  - 130,000 lbs. AW
  - 352,300 lbs. VSQG
  - 2,037,400 lbs. HHW
  - 62,100 lbs. Rx
- 68,100 Residents, Farms and Businesses Served (with an unknown number using permanent drug disposal drop boxes.)

Total Waste Collected

The amount of agricultural waste and unwanted prescription drugs collected through clean sweeps both increased in 2014 but there was a decline in the amount of household waste collected.

Chart 1 shows the total pounds of waste collected in each of the last five years. 2010 waste totals were down because of a decrease in grants awarded as a result of funding uncertainty. Ag waste totals reflect only agricultural waste collected from farms and those businesses that bring in agricultural pesticides.

Chart 2 shows the total pounds of waste collected under each grant type in 2014.

Since the program began in the early 1990s, grant recipients have collected approximately 3.5 million pounds of agricultural pesticides and farm chemical waste; 20 million pounds of household hazardous waste (which were added to clean sweep in 2003) and 240,000 pounds of unwanted prescription drugs (which were added in 2008).

Agricultural and Business Waste

In 2014, 1,141 farmers and 9 agricultural businesses brought in nearly 130,000 pounds of AW, a 9 percent increase from 2013. The increase can likely be attributed to 47 more farmers participating

in 2014 clean sweeps. While there were two fewer businesses bringing in unwanted agricultural pesticides, the amount of those agricultural pesticides increased almost 60 percent. Businesses that bring in agricultural pesticides pay half of the disposal cost and DATCP pays the other half. The weight of the agricultural pesticides brought in by these particular businesses is included in the total agricultural waste collected. In 2013, 2,546 pounds of agricultural pesticides were covered by the disposal subsidy. In 2014, that amount increased to 4,370 pounds.

Another 1,135 small businesses or "very small quantity generators" of hazardous waste brought in nearly 338,000 pounds of hazardous waste. These VSQG businesses pay the full disposal cost of their hazardous waste. It is often less expensive for businesses to bring their hazardous waste to a clean sweep than having a waste contractor come to their business.

The amount of agricultural waste collected over the past three years is down from 2010 and 2011. Some AW grant recipients are seeing declines in collected farm pesticides and farm chemical waste for several reasons. Many farmers are hiring professional pesticide applicators rather than applying products themselves. Agricultural pesticides are also becoming more concentrated so there is often less product to apply and less to dispose. Farmers are also buying only the pesticides needed so there is less waste and fewer pesticides to store. According to surveys taken during the collections, many of the agricultural pesticides are found when an older relative leaves the farm or the farm transfers to new owners. The clean sweep collections are still taking in old, banned or cancelled pesticides such as DDT, lindane and chlordane. Table 1 shows the top five pesticides collected at agricultural clean sweeps in 2014.

Table 1: Top Five AW Clean Sweep Collected Products 2014

Product	Pounds Collected	Comments
2,4-D	635	Herbicide for broadleaf weed control
Atrazine	475	Herbicide for broadleaf and grassy weed control
Pentachlorophenol	408	Industrial wood treatment and preservative
Lead/oil-based paint	310	Lead banned in household paint in 1977
Mercury/mercury containing products	227	Pesticide with mercury were cancelled in mid-1990s. Vacuum gauges on milk lines, thermometers, refrigeration units and electrical switches may contain mercury.

Each clean sweep collection offers the chance for some unusual item to be brought in. 2014 was no exception with one clean sweep collection site receiving nearly 1,800 pounds of lead arsenate that had been stored for about 40 years. Because it was an agricultural pesticide, DATCP paid for half of the $3,500 disposal cost.

The Wisconsin Agri-Business Association (formerly the Wisconsin Crop Production Association) encourages their members to work with a recycling vendor to recycle 2½ to 5 gallon pesticide containers and mini-bulks. Container Services Network works with agricultural chemical dealers to collect empty, triple-rinsed containers for recycling.

Household Hazardous Waste

The 2014 Clean Sweep Program served nearly 60,000 residents in the safe disposal of 2,037,000 pounds of household hazardous waste, about 34 pounds per person. Compared to 2013, the number of clean sweep participants increased by nearly 5,000 but collected waste was down about 6 percent. Strategies to "reduce, reuse, recycle" are offered by nearly every clean sweep collection and this may be a positive sign that the public is heeding this advice or they may be purchasing less hazardous products. Clean sweeps are also offering product exchange programs where usable products are set out and taken by those who can use them. The total amount of hazardous waste does not include latex paint that is collected by some events. Latex paint is not a hazardous substance but collection data is gathered through the clean sweep program because so many participants bring it to the Clean Sweep sites. Some municipalities believe that if they accept latex paint, the public will bring in additional hazardous materials. Other municipalities will not accept the paint because there is cost to them for disposal, while others charge a per-can fee in order to recoup some of the disposal cost. In 2014, more than 1.1 million pounds of latex paint was brought in to Clean Sweep sites.

Table 2 shows the top five hazardous wastes to household hazardous waste collections in 2014. Compared to 2013, pesticides/poisons and solvents/thinners changed places in the rankings.

Table 2: Top Five HHW Clean Sweep Products Collected 2014

Product	Pounds Collected
Lead-based/oil-based paint	616,700
Pesticides/poisons	244,770
Solvents/thinners	194,635
Contaminated waste oil/filters	81,215
Aerosol cans	76,900

Household hazardous waste intake continued to outpace AW intake by about a 16:1 margin. Local governments are struggling with the increased demand for the collection and disposal of HHW while disposal costs are increasing and budgets are shrinking. Some municipalities are charging a small fee to offset some of their expenses.

Unwanted Prescription Drugs

In addition to the HHW and AW grants, the department funded 28 Rx grant requests. Estimating the number of Rx participants is very difficult. Because so many municipalities have drug drop boxes and are moving away from collection events, there is no way to know how many people are using the drug collection option. However, we can safely say that the use of the drug collection programs, whether they are a receptacle in the police department or are a collection event, is increasing in demand. The amount of collected unwanted prescription drugs and inhalers jumped from 41,000 pounds in 2013 to more than 61,000 pounds in 2014. Some of the weight can be attributed to packaging as not every collection separates all the drugs. It's also difficult to determine how much of that total weight is controlled substances. Some collections do not separate the drugs into controlled versus non-controlled, instead combining all drugs and handling them as controlled substances. It is not possible to determine the average pounds per participant because the number of people using the permanent drop boxes is not tracked, only the amount of drugs collected.

Many local law enforcement agencies participate in the federal Drug Enforcement Agency (DEA) National Take Back Initiatives. The DEA takes all the collected drugs and disposes of them at no cost

to the local government. Some of these local governments also receive a grant from DATCP, so their costs are greatly reduced and their grant funds can be used toward outreach and education. It is important to note that many of the drugs collected through Clean Sweep events are also counted in the DEA collection total. 2014 was the last year for the no-cost DEA disposal option, so the Clean Sweep program may have even higher demand for Rx grants in the future.

The department participates on the Wisconsin Pharmaceutical Waste Working Group, whose mission is to reduce the negative impacts of pharmaceutical waste on Wisconsin's environment and communities. Group membership includes local government, healthcare, drug, regulatory and science professionals.

Direction for the Coming Year

Clean Sweep operates under ch. ATCP 34 – Chemical and Container Collection--Wis. Adm. Code. Staff opened the rule for revision in 2012 to find ways to streamline the application and reporting process, create rules for the drug collection portion of the program and address inconsistencies between the program rule and state statute. Listening sessions were held in the spring of 2013 and three public hearings were held in early 2014. Based on comments received, some changes were made to the rule draft. The final rule draft was presented to the DATCP Board in November and was then submitted to the Governor's Office for approval. In 2015, the rule went to the legislature for review. The rule will be finalized and take effect sometime in 2015, in time for the 2016 Clean Sweep grant application process.

In early September, 2014, the federal DEA published their final rule on the collection and disposal of prescription drugs. While the revised rule allows for other groups like pharmacies and long term care facilities to operate a drug take back program, the DEA eliminated their national drug take back program. Many of Wisconsin clean sweeps and law enforcement agencies relied on the DEA for their no-cost drug disposal. Since the announcement, the Clean Sweep program has received many phone calls wondering about disposal options and how to pay for the cost. Some law enforcement agencies have chosen to remove their drug drop boxes because they no longer have a way to pay for disposal. The program specialist worked with other members of the Pharmaceutical Waste Working group to find some solutions and we recently learned that DOJ will be continuing no cost Rx disposals in 2015 and hopefully into the future.

For more information on the Clean Sweep program you may email the department.

Household Hazardous Waste Collection – Oneida Nation

Unloading vehicles – Household Hazardous Waste Collection – Oneida Nation

Chart 1: Total Pounds Collected 2010-2014

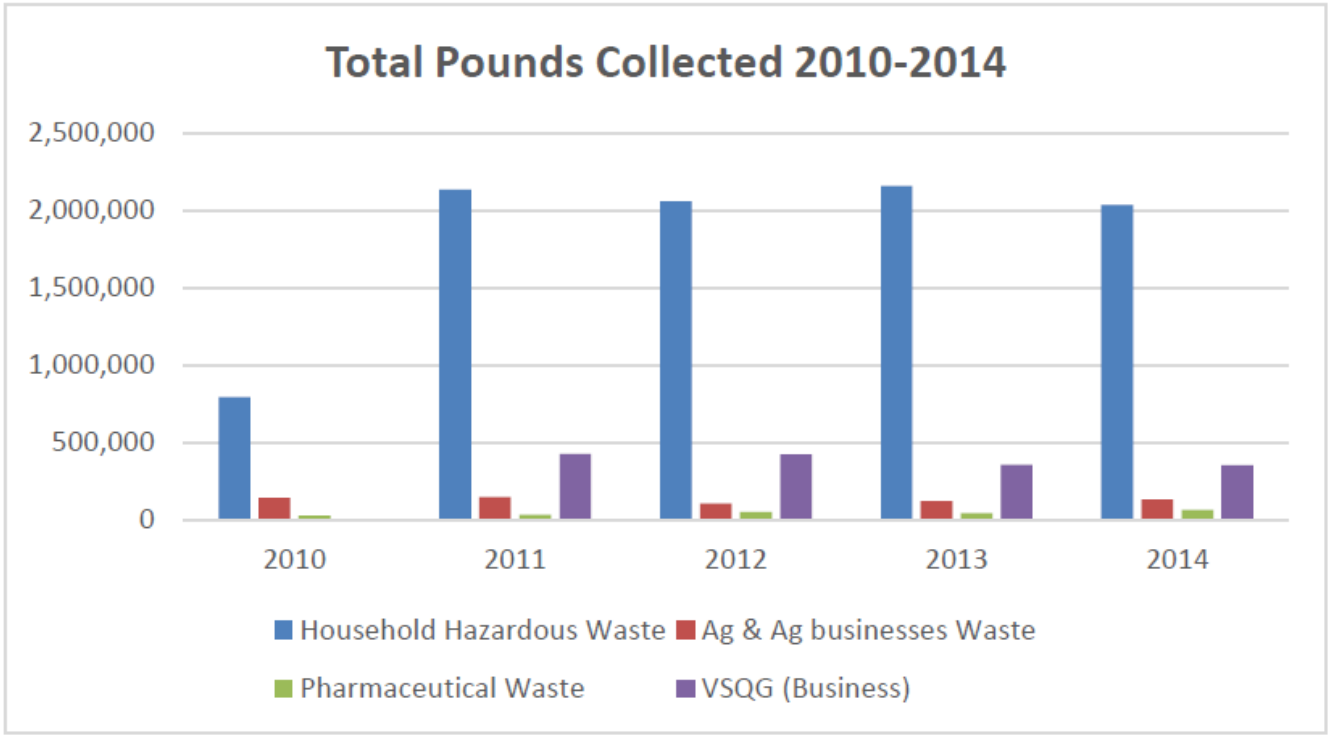
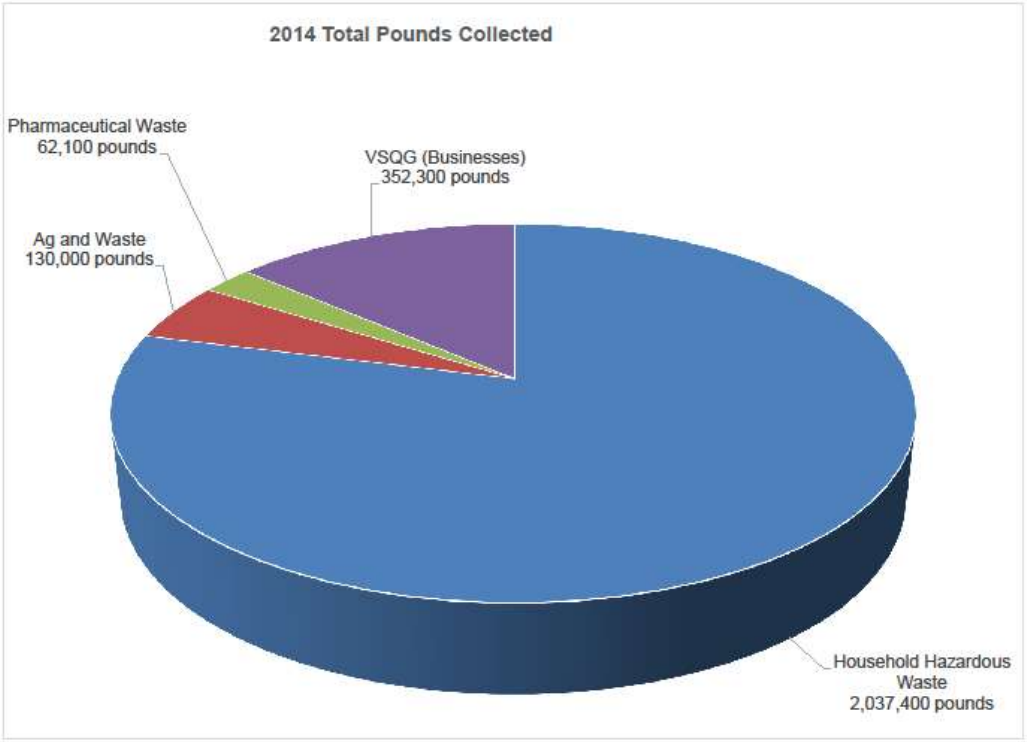


Chart 2: Total Pounds Collected 2014



Compliance

Photograph show where DATCP collected off-target samples in response to a drift complaint

The Investigation and Compliance Section performs investigations related to the feed, fertilizer and pesticide programs. These cases can involve product distribution, storage, use, disposal or environmental contamination.

The section has 14 Environmental Enforcement Specialists (EES), an Investigation Program Manager, a Supervisor and a Section Chief who conduct and oversee inspections and investigations for the ACM Bureau. In 2014 there were a number of staff changes within the compliance section including recruitment of the Section Supervisor, the retirement of an EES with over 35 years of field experience, completion of two EES territory transfers and the successful recruitment of two new EES staff members who began employment on January 4, 2015.

Program Activities

In 2014, the section conducted a total of **107** investigations. The 107 investigations include the following types of cases: **84** pesticide, **6** feed, **5** remediation, **2** containment, **4** license enforcement, **4** groundwater, **1** toxic response (pesticide), and **1** worker protection (pesticide).

A new liquid bulk pesticide & fertilizer mix/load pad and containment area at a DATCP

Violations may result in actions ranging from verbal warnings to court action invoking civil or criminal penalties depending on the statutory authorities in the program area. All civil or criminal cases conducted by the section are prosecuted by the district attorney in the county where the violation occurred. A majority of the formal enforcement actions are conducted by the section through stipulated settlements, with court documents being prepared by the section. Table 1 shows the number and type of enforcement actions taken during 2014. In 2014, 71 cases were delivered to the county district attorney offices for prosecution and subsequently were filed and closed by the counties. These cases may include investigations from previous years. Numerous 2014 enforcement cases are still in process, so these numbers do not reflect the total enforcement actions that will result from the 2014 investigations.

A ruptured fertilizer storage tank located inside a pole shed. The contaminated soil was excavated and landspread.

The department assigns the highest response priority to complaints involving human exposure to pesticides. In 2014, staff investigated three cases involving potential human exposure to pesticides. These three investigations included one agricultural ground application, one aerial agricultural application and one structural application. DATCP documented violations in one of the three investigations. In 2014, the section investigated 34 complaints involving alleged pesticide drift, with 22 of the complaints involving agricultural applications (Table 2).

Table 1: Compliance Actions Taken in 2014

Action Taken	Number of Actions
Verbal Warning	5
Letter of Concern	0
Warning Notice – Investigator	31
Warning Notice – Office	11
Administrative Conference	59
Administrative Order	0
Civil Forfeiture Action completed	71
Criminal Action	1
Referred to US EPA	0
Total	178

Table 2: Pesticide Cases 2010-2014

Type of Case	**Number of cases** (% with violations)				
	2010	**2011**	**2012**	**2013**	**2014**
Aerial – Airplane	**2**	**3**	**3**	**7**	**2**
(% with violations)	50%	67%	67%	86%	50% *
Aerial – Helicopter	**2**	**0**	**2**	**3**	**4**
	100%	-	100%	67%	75% *
Greenhouse – Nursery	**0**	**0**	**0**	**0**	**1**
	0%	-	-	-	100%
Ground Application-Ag	**37**	**50**	**41**	**39**	**31**
	73%	80%	66%	69%	63% *
Improper Disposal	**0**	**0**	**1**	**0**	**0**
	-	-	0%	-	-
Other Non-Ag	**8**	**3**	**6**	**13**	**8**
	50%	67%	83%	57%	37%
Poor Operating Practices	**5**	**0**	**6**	**5**	**2**
	80%	-	80%	60%	0%
Right-of-Way	**3**	**7**	**2**	**2**	**2**
	0%	57%	0%	67%	0%
Structural	**14**	**7**	**10**	**12**	**9**
	79%	86%	80%	50%	76% *
Turf & Ornamental	**38**	**30**	**41**	**40**	**27**
	74%	67%	68%	64%	67% *
Vandalism	**7**	**5**	**6**	**2**	**0**
	57%	60%	50%	0%	

(* - represents a percentage that may increase once all lab results are available)

Selected 2014 Compliance Actions

1. As the result of a call from the Better Business Bureau, DATCP completed an investigation and determined a structural pesticide application company was operating as a commercial pesticide application business without having obtained a pesticide business location license for multiple years. DATCP also found the company had recordkeeping violations and failed to provide customers with complete pre & post-application information. The Defendant met with DATCP to discuss the substantiated violations and agreed to a stipulated settlement that required the Defendant pay a forfeiture totaling $1,000.00.

DATCP completed several pesticide mis-use complaints involving alleged pesticide drift.

2. As the result of a pesticide spill, DATCP completed an investigation and determined that a commercial pesticide application company made multiple applications of agricultural pesticides containing the active ingredient Atrazine to fields located within Atrazine-Use Prohibition Areas over a span of two years. The Defendant met with DATCP to discuss the substantiated violations and agreed to a stipulated settlement that required the Defendant pay a forfeiture totaling $9,923.50.

A tractor and trailer over turned in the ditch causing a fertilizer spill.

3. As the result of a complaint, DATCP completed an investigation and determined that a landscape firm that commercially applies pesticides had employed an individual to act as a commercial pesticide applicator who was not individually licensed or certified, failed to maintain complete commercial pesticide application records, failed to provide complete post – application information to the customer, failed to provide post-application information to the customer immediately upon completing applications and failed to present a written offer to provide pre-application information to customers. The Defendant met with DATCP to discuss the substantiated violations and agreed to a stipulated settlement that required the Defendant pay a forfeiture totaling $3,431.50.

4. As the result of a complaint, DATCP completed an investigation and determined a commercial pesticide application company made an application of the pesticide Roundup Powermax to a field that was not controlled by their customer and had been planted to conventional corn. Upon discovering the error, the application firm did not notify the grower controlling the conventional corn field of the incident and in doing so failed to provide the necessary post-application precautionary language to the grower. The Defendant met with DATCP to discuss the substantiated violations and agreed to a stipulated settlement that required the Defendant pay a forfeiture totaling $1,445.50.

Direction for the Coming Year

We continue to develop and assist in the development of updated policies and procedures for compliance and other programs areas. Providing training and job shadowing opportunities to Environmental Enforcement Specialists will continue for all program areas but will especially be implemented to allow for the successful completion of initial EPA credential training for 6 of the 14 EES staff members.

Containment

The Agrichemical Containment program requires the use of approved containment structures to help prevent spills of pesticides and fertilizers from contaminating soil and groundwater. Fertilizers and pesticides stored in bulk quantities at agricultural chemical storage facilities must comply with agency bulk storage rules, ch. ATCP 33 Wis. Adm. Code. Generally, these rules apply to bulk storage of fertilizers and pesticides where the products are being stored for distribution. The term "bulk" refers to more than 55 gallons of liquid or 100 pounds of dry fertilizer or pesticide. An example where the bulk storage rules do not apply is when bulk product is stored on a farm for the owner's end use and the farmer does not engage in further distribution of those products.

Program Activities

Chart 1 summarizes inspections completed by DATCP's containment program over the last five years. The containment program has emphasized inspections at bulk facilities over the last several years, but the program also oversees the compliance for mixing and loading of non-bulk pesticides under ch. ATCP 29.

Program Highlights

- 131 Inspections Conducted
- 2 Containment Investigations Performed[2]
- 43 Verbal and 17 Written Warnings Issued[3]
- 41 Engineering Plans Reviewed for 20 Different Projects

[2] Containment investigations are performed when DATCP receives information that a person required to comply with the bulk rules is operating without having secondary containment or a mix/load pad, or DATCP staff observes out-of-containment bulk storage, or if construction of facility structures was performed without plans or without meeting plan specifications.

[3] A warning may be counted once for multiple violations observed during one inspection. The violations noted in the summary list above do not generally warrant the use of a written warning.

In 2014, new construction plans were submitted continuously throughout the year, with 41 plan reviews on 20 projects. To help ensure construction was being performed in compliance with project plans, DATCP continued construction observation activities, where engineering staff from the Bureau of Land and Water Resources Management (LWRM) assisted the Bureau of Agrichemical Management in spot-checking construction of new containment structures (for which plans were submitted and reviewed). Performing these spot observations allows the department to point out any errors or deficiencies of pre-pour construction. This allows the contractor to bring the project into compliance with the engineer's design and state requirements.

Our observations have been that both the managers and contractors at these under-construction facilities appreciate the guidance and efforts of the attending LWRM field engineers. It is worth adding that construction oversight often required more than one visit and a significant time commitment on the part of multiple LWRM engineering staff. With just one containment engineer in the ACM Bureau, these inspections could not have occurred were it not for the inter-bureau collaboration.

In 2014, only two of the 32 facilities where sumps were inspected had a sump that was found to be leaking. One of the leaking sumps was constructed before the minimum design standards were required to be satisfied. The other was "created" without the facility realizing their operations

require compliance with the bulk rules, so it is probable the sump was designed and constructed in a manner that did not comply with the bulk rules and minimum design standards. As noted in previous years, DATCP also tested several sumps at facilities that submitted design plans according to the revised rules and minimum design standards. None of these new sumps have been found to be leaking.

Direction for the Coming Year

Based on the number of new construction plans reviewed in 2014, DATCP anticipates that there will be year-long demand for design plan reviews and construction observations in the coming year. Considering the value of these observations to both construction contractors and owners, DATCP will continue to utilize LWRM engineers to perform new construction spot checks in 2015. However, due to workload issues, LWRM engineers will not perform such observations at sites where the owner hires a private design engineer/architect or qualified third-party inspector to oversee and inspect the construction.

DATCP will also be emphasizing the requirement for minibulks to be located in a secondary containment structure. Many facilities in 2014 were found to be overlooking this requirement. Further, DATCP will be placing more emphasis on dry fertilizer handling and spillage recovery at bulk storage facilities, as well as systems for unloading liquid fertilizer from railcars to storage containers. 2014 inspections found several sites with spilled dry fertilizer that had not been adequately or promptly cleaned up and several railcar unload systems that do not satisfy the minimum requirements of the rule. For more information you may email the department.

Common Rule Violations (in descending order of frequency)

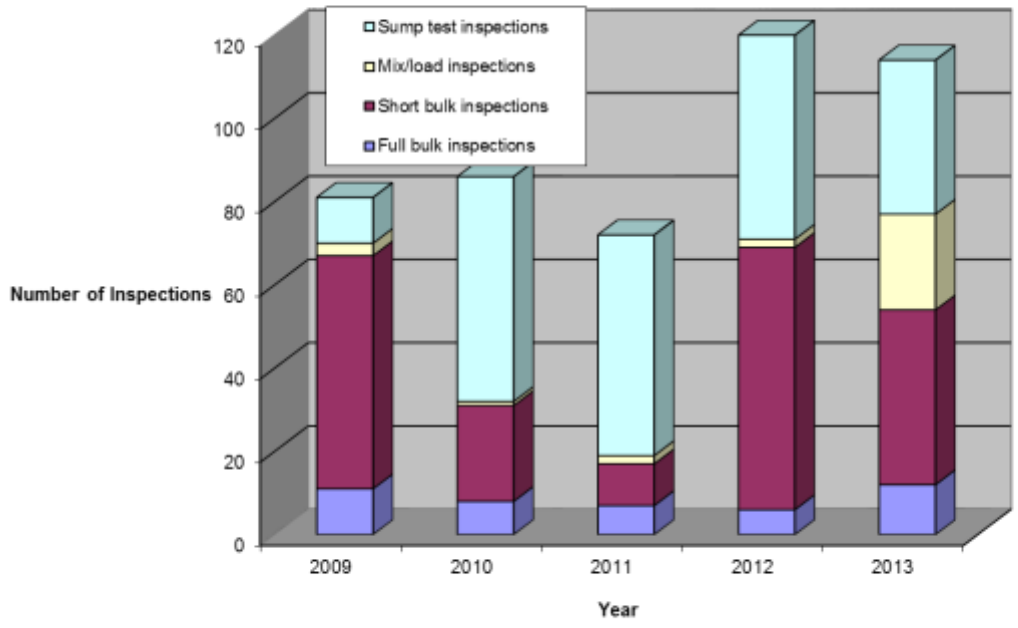
- Lack of or inadequate spill response plan
- Minibulk containers not properly stored in a secondary containment structure.
- Failure to promptly or completely recover or otherwise clean up contained product spillage at a facility
- Improper labeling of fertilizer storage containers or bins
- Inadequate anchoring of external liquid level sight gauge tubes to storage containers.
- Inadequate maintenance of mixing and loading pads.
- Exceeding a maximum 24” gap between chute and vehicle for transfer of dry fertilizer to vehicles.

The most frequent violations for which written warnings were issued in 2014 were (in descending order of frequency):

- Failure to have a spill response plan
- Failure to provide secondary containment for bulk products (minibulk containers out of containment).
- Failure to provide a liquid product loading area with a readily available recovery pump and container.
- Liquid product mix/load sump not liquid-tight
- Inadequate fertilizer container/bin labeling
- Inadequate security for bulk containers and products
- Inadequate protection of containers and piping from damage due to vehicular traffic

- Inadequate maintenance of dry fertilizer storage structures to protect the environment from fertilizer spillage
- Inadequate system for unloading liquid fertilizer from railcars to storage containers.
- Failure to promptly or completely recover or otherwise clean up uncontained product spillage at a facility.
- Failure to promptly or completely recover or otherwise clean up contained product spillage at a facility

Chart 1: Containment Inspection Numbers by Year (2009-2013)



Feed Program

Wisconsin's Feed Program assures consumers and manufacturers that animal feeds – livestock feed, pet food, and feed ingredients – are unadulterated, meet label guarantees, and are safe and effective for use. Program activities promote the safety of feed for livestock and companion animals, ensure the safety and integrity of the human food chain, protect consumers against fraud and deception, and support a fair and honest feed commerce environment under authority granted by Wisconsin Statutes §94.72 and Wisconsin Administrative Code ATCP 42.

Important Note: Previously, the annual report included data collected based on various fiscal year dates, all of which were based upon different date ranges.

- *Good Manufacturing Practice (GMP) inspections, and the applicable violations, were reported for the period September 1 through October 31.*
- *Samples were reported for the period September 1 through October 31.*
- *Tonnage was reported for the calendar year January 1 through December 31.*
- *Licenses were reported from March 1 through the end of February (28/29).*
- *Bovine Spongiform Encephalopathy (BSE) and Food & Drug Administration (FDA) Medicated Feed License (MFL) inspections were reported from October 1 through September 30.*

Beginning with this 2014 Annual Report, all Feed Program (except FDA contract work) data presented is on a calendar year basis, January 1 through December 31, using data from the 2013 calendar year. Food & Drug Administration (FDA) contract work is based upon the Federal Fiscal Year (FFY) 2013, which is October 1, 2012 – September 30, 2013.

Program Activities

In brief, the feed program issues licenses and feed export certificates of free sale, collects and audits tonnage reports and inspection fees, reviews labels for compliance with the feed regulations, collects and analyzes product surveillance samples, conducts inspections, handles education and training, and generates information to use during outreach activities with industry and consumers.

Program Highlights

- 1,298 feed licenses issued for 2013-2014
- 4.6 million tons of commercial feed distributed in 2013
- 1.2% increase from 2012
- 237 cumulative GMP/BSE/FDA-licensed mill inspections conducted
- 6 feed investigations and 1 toxic response investigations conducted
- 195 feed samples analyzed

The department issued 1,298 commercial feed licenses for the 2013-2014 license year to firms that distribute, manufacture, process and/or label animal feed and/or feed ingredients in or into Wisconsin. Of these firms, there were 830 licensed facilities in Wisconsin, a 27.4% increase over the Wisconsin licensed facilities in 2012. A collective 4.6 million tons of commercial animal feed and feed products were distributed into Wisconsin during the calendar year 2013; a 1.2% increase from 2012. During February 2015, licensees are reporting tonnage information for the calendar year 2014. Chart 1 and Chart 2 summarize the overall feed program numbers during the calendar year 2013.

A feed export certificate of free sale or license card, indicating a feed license status, is sometimes required when feed products are exported internationally. To issue a certificate, the department ensures the company is currently licensed with Wisconsin, located within Wisconsin, and is in good standing with the department. In addition, the feed program ensures that all feed product labels listed on the certificate are in compliance with state and federal feed regulations. The department provides notarized license cards or notarized certificates of free sale for feed products, including livestock feeds, pet foods, feed additives and feed ingredients. During 2013, the department issued 305 certificates of free sale.

Compliance Activities and Special Projects

The feed program monitors compliance through Good Manufacturing Practice (GMP) inspections. GMP inspections include a detailed review of the systems and practices utilized by feed manufacturing and processing firms. Adequate manufacturing systems and practices are essential in maintaining the safety and effectiveness of both medicated and non-medicated feeds, feed ingredients and pet foods. The inspection process evaluates a firm's facility(ies) and equipment, as well as the firm's receipt, use and distribution of feeds and feed ingredients. It also documents the firm's manufacturing practices to ensure the manufacture of safe feeds.

In 2013, the department conducted 70 GMP inspections, with 23 inspections identifying significant violations; 67% of the inspected facilities were in full compliance with our regulations during the inspections. Environmental Enforcement Specialists (EES') issued 23 written warnings and 17 verbal warnings as a result of these inspectional findings. EES' are responsible for following up on compliance after issuing an inspected facility a warning, whether verbal or written. The significant violations included improper medicated feed labeling and failure to establish and maintain procedures for identifying, storing and controlling inventories of medicated feed ingredients.

The other activity utilized by the department to monitor compliance is surveillance samples of feeds and feed ingredients. The samples are analyzed to determine if the feed or feed ingredient meets label guarantees. Samples may also be analyzed to detect the presence of contaminants, including, but not limited to, heavy metals, pesticides, and microbiological contaminants.

In 2013, EES' collected a total of 195 feed samples. Violations, such as failing to meet labeled guarantees, occurred in 94 samples, resulting in a 48.2% labeling non-compliance rate. The program is evaluating next steps to address this significant noncompliance rate and will be implementing outreach, increased surveillance in 2014 and 2015 and possible enforcement options beginning in 2015.

Preliminary sample results from 2014 samples show compliance in the feed sampling program improving over 2013. Still, it is important to note some categories of guarantees with an undesirable passing rate or a 0% passing rate. Chart 3 breaks down the sample analysis passes and fails by individual guarantee. Of significant concern is the high level of noncompliance related to medicated feed. Ideally, sample results would have more than 85% of samples meeting the guarantees to create consumer and regulatory confidence. Important notes about the breakdown:

- Amprolium and Methionine have 0% passing rates.
- Protein has a 75.5% passing rate.
- Decoquinate has a 70.4% passing rate.
- Lasalocid has a 73.1% passing rate.

- Monensin has a 73.8% passing rate.
- Other guarantees not within expectation are ash, salt maximum, and Vitamin A.

Industry Compliance Assistance

As needed, EES' and office staff assist industry feed manufacturers and labelers to better understand state and federal feed regulations. Topics addressed in meetings or through individualized assistance included common areas of violation such as properly labeling medicated and non-medicated feed products, and establishing and maintaining procedures to identify, store and control inventories of medicated feed ingredients. Feed program staff will monitor future inspections and industry inquiries to see if there is a need for further industry training or outreach focusing on certain areas.

FDA Inspection Contract

Mills that use certain types of medications and antibiotics in feed products are required to hold a medicated feed license with the Food and Drug Administration (FDA). The FDA contracts with the department to inspect these mills. EES' inspected seven of these mills in Federal Fiscal Year (FFY) 2013 (October 1, 2012 through September 30, 2013). FDA also contracted with the department to inspect feed manufacturers for compliance with 21 CFR 589.2000 and 21 CFR 589.2001, which prohibit the use of certain animal proteins ruminant feeds. This federal regulation is commonly known as the Bovine Spongiform Encephalopathy (BSE) feed ban. In FFY 2013, EES' completed 160 contract inspections. No violations or issues of concerns were noted.

Feed Investigations

EES' also followed up on feed complaints and initiated investigations based on initial information collected during inspections. Complaints may originate from the Wisconsin Veterinary Diagnostic Laboratory (WVDL), the Division of Animal Health (within the department) or from University of Wisconsin Extension Agents, but typically they come from private practice veterinarians and consumers. Generally, feed complaints are related to animal illness or death, potentially related to feed or feed products. In 2013, six complaints resulted in full feed investigations. All six of the investigations were closed as "insufficient evidence to demonstrate an adulterated feed source."

Toxic Response

The Feed Specialist serves as the department's coordinator for toxic response investigations. These cases involve illness or death of primarily food producing animals from unknown causes. Alternatively, toxic response cases may result in the event of significant non-food producing animal deaths. In 2013, there was one toxic response activity involving 24 beef steers, resulting in 14 steer deaths. The department cleared the feed of all suspicion related to the animal deaths and the focus of the toxic response was changed to pesticide exposure when the steers were suspected to have ingested the insecticide chlorphyrifos.

Homeland Security & Emergency Response Planning

Feed program staff work with other department personnel to implement, and keep current, response plans to protect the state's animal industries from potential bio-terrorist attacks, radiological releases, natural disasters and foreign animal disease outbreaks.

Five Most Common Feed Program Violations

- Failure to provide adequate labeling to end user (§ATCP 42.52(3)(c), Wis. Adm. Code).
- Distribution of a commercial feed with labeling that is false, deceptive, or misleading (§ATCP 42.52(2)(g), Wis. Adm. Code).
- Manufacturing, processing, packaging, storing, or distributing commercial feed in a way that does not prevent adulteration or misbranding (§ATCP 42.46(1), Wis. Adm. Code).
- Failure to establish and maintain procedures for identifying, storing, and controlling inventories of Type A medicated articles and Type B medicated feeds used in manufacturing medicated feeds (§ATCP 42.46(6), Wis. Adm. Code).
- Failure to maintain records of manufactured medicated commercial feed or dog or cat food (§ATCP 42.46(8), Wis. Adm. Code).

Program Updates for Calendar Year 2015

FDA Food Safety Modernization Act

In January 2011, the federal Food Safety Modernization Act (FSMA) was signed into law. The purpose of FSMA is to prevent food-borne illness outbreaks. The FSMA includes new FDA authorities, new FDA responsibilities and activities, new food import requirements and an ambitious schedule for increased facility inspections. FDA issued draft FSMA regulations related to animal feed facilities in 2013. The draft rules were open for comment into 2014 with promulgation expected in August 2015. The proposed FSMA regulations represent a significant change from current regulatory expectations for industry. To date, it is not known what the final regulations will include and how the final rules will be implemented. This continues to be a priority issue with the department's feed program. Upon the release of more information by FDA, the feed program will work with industry associations to create informational resources and conduct compliance assistance.

Feed Tonnage Updates

Bureau, program staff, and industry volunteers worked together in 2014 to reduce the data collected on the Feed Tonnage and Inspection Fee Form, and to streamline the process. The new forms are in use beginning with the 2014 reporting year. The new form introduced a number of questions about reporting tonnage, to which the department drafted a question and answer document to address the questions. The document is posted on the department website, under Animals | Animal Feed | Tonnage reporting | "Guidance for Tonnage Reporting" or **http://datcp.wi.gov/uploads/Farms/pdf/TonnageReportingGuidance.pdf**.

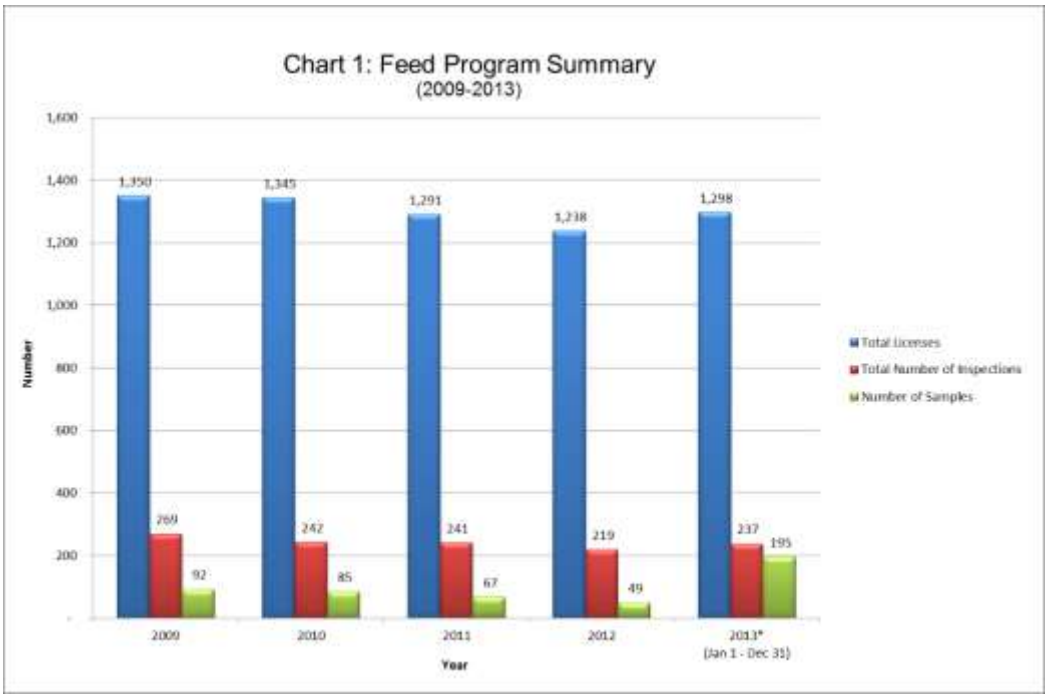


Chart 1: Feed Program Summary
(2009-2013)
1,600
1,400
1,200
1,000
800
600
400
200
Number
1,350
1,345
1,291
1,238
1,298
269
242
241
219
237
195
92
85
67
49
2009
2010
2011
2012
2013*
(Jan 1 - Dec 31)
Year
Total Licenses
Total Number of Inspections
Number of Samples

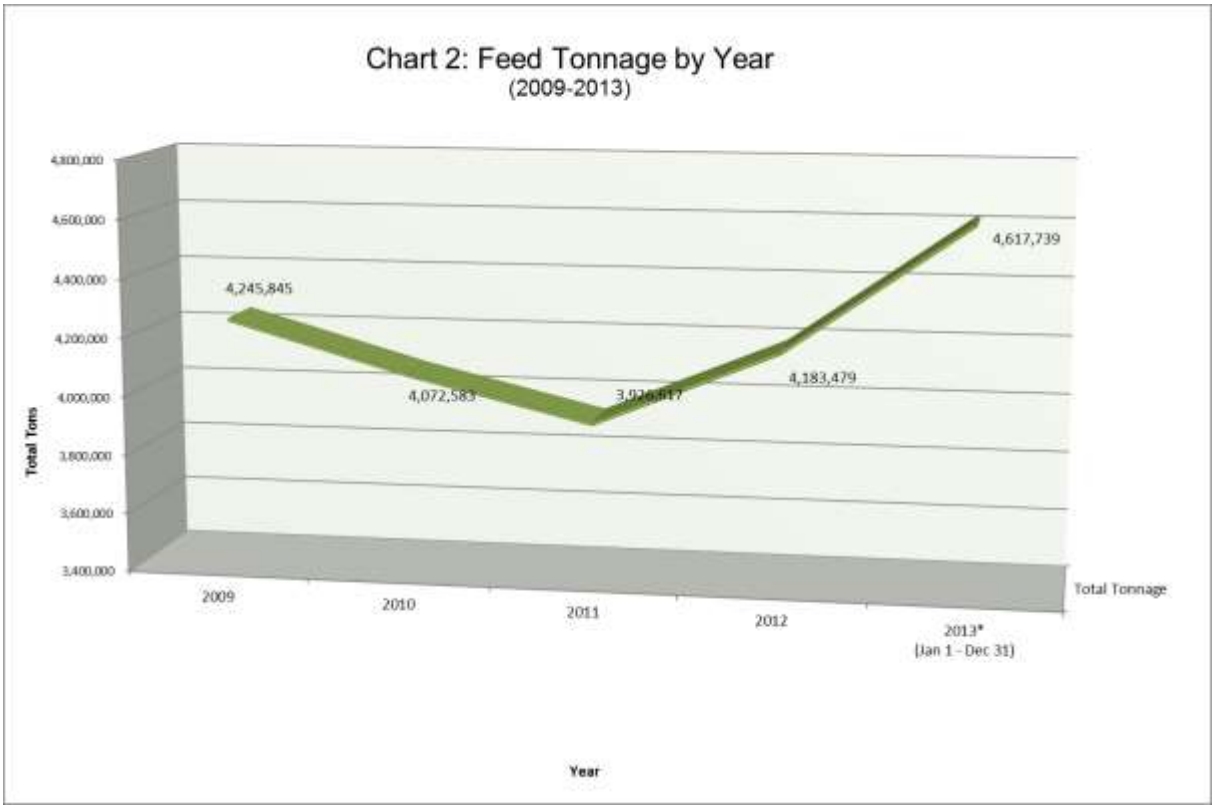
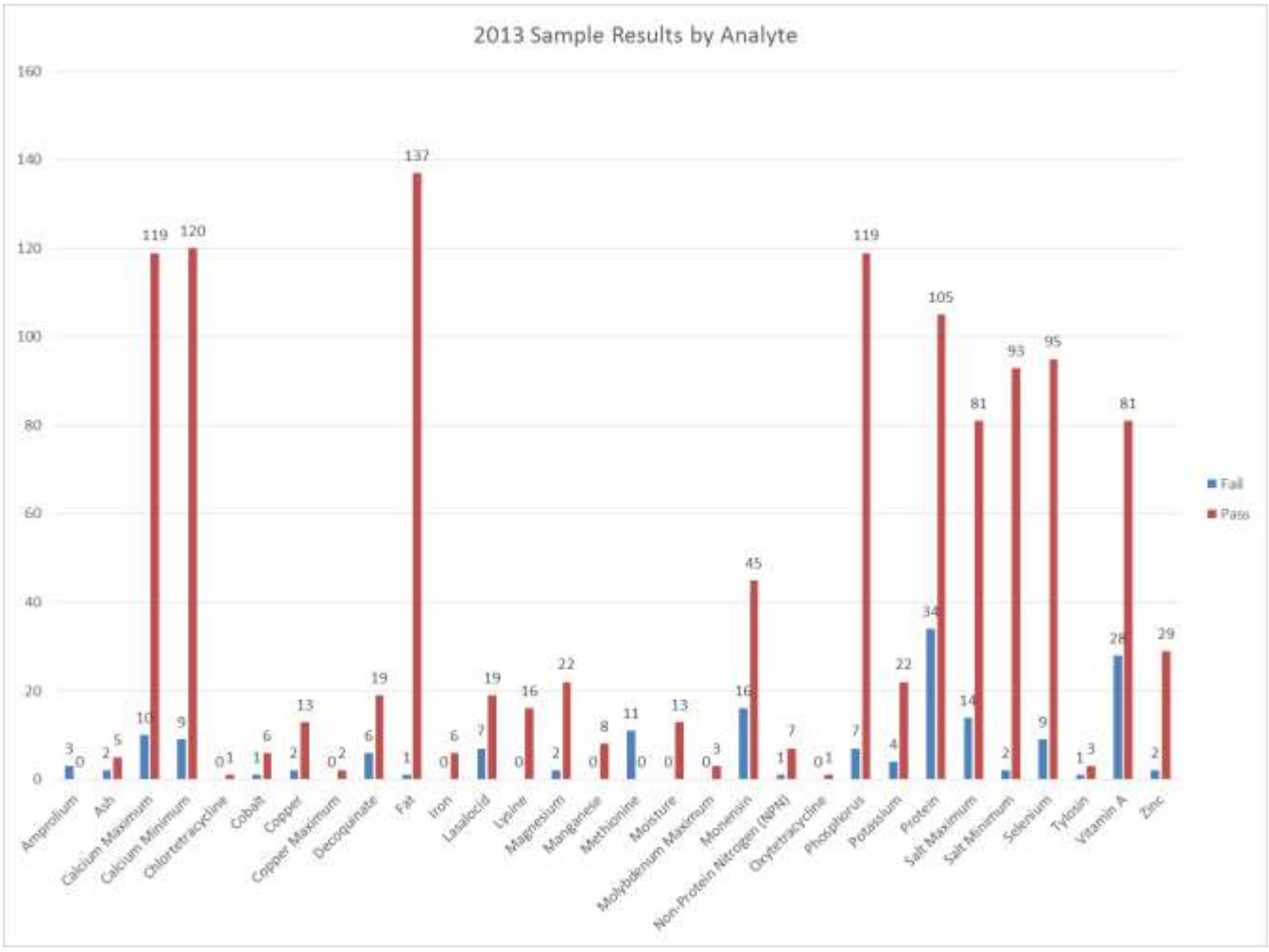


Chart 2: Feed Tonnage by Year
(2009-2013)
4,800,000
4,600,000
4,400,000
4,200,000
4,000,000
3,800,000
3,600,000
3,400,000
Total Tons
4,245,845
4,072,583
3,926,817
4,183,479
4,617,739
2009
2010
2011
2012
2013*
(Jan 1 - Dec 31)
Total Tonnage
Year

Chart 3: 2013 Feed Sample Results by Analyte



Fertilizer, Soil or Plant Additive and Lime

The fertilizer program regulates the state's sale of commercial fertilizer and related products such as soil or plant additives, liming materials and combination products.
The primary goals of the program are to: protect consumers against unfair and deceptive practices in the sale of fertilizer and related products; protect businesses against unfair and deceptive methods of competition; and prevent certain hazards to persons, property, and the environment.

Manufacturers, labelers and distributers of fertilizer and related products are required to be licensed, with some products needing to be permitted, before they are able to be sold or distributed in the state. The permitting process ensures that products sold in the state are efficacious, useful, and not misleading. Companies that manufacture or distribute fertilizer and related products into the state also report and pay fees based on the tonnage sold/distributed into the state each year. In addition to licensing regulatory activities, the department inspects fertilizer blending facilities and collects and analyzes fertilizer samples to ensure that the products meet their label guarantees.

PROGRAM ACTIVITIES

Licensing

Fertilizer manufacturers and distributors are licensed each year for the time period from August 15th until August 14th of the following year. In 2014, there were 766 entities who were licensed to manufacture or distribute fertilizer in Wisconsin, compared to the 773 licensed in 2013. Chart 1 indicates the licensees and tonnage for fertilizer in the past several years.

The **soil or plant additive** licensing year is from April 1st until March 30th of the following year. The number of companies licensed to distribute soil or plant additives in 2014 was 144, as shown in Chart 2. The number of soil or plant additive licenses issued each year has remained fairly consistent in the past several years.

The licensing period for **liming** materials is on the calendar year from January 1st until December 31st. Chart 3 indicates that 104 lime licenses were issued in 2014, slightly less than the 110 licenses issued in 2013.

Program Highlights

- 766 Fertilizer Licenses Issued
  - 1.9 million tons reported sold from July 2013 – June 2014
- 443 new permits for distribution of non-agricultural or special-use fertilizers
- 144 Soil or Plant Additive Licenses Issued
  - 72,904 tons reported sold in 2013
- 105 new permits for distribution of soil or plant additive products
- 104 Lime Licenses Issued
  - 1 million tons reported sold in 2013
- 453 Fertilizer Samples Collected and Analyzed
  - 118 fertilizer ingredients sampled with just one failure
  - 88% of 335 blended samples met their required guaranteed nutrient

Tonnage Reporting

Tonnage reporting for each program area is reported in the following year with the license renewal. All of the tonnage for fertilizer, soil or plant additives and lime sold in 2014 will be submitted to the department as part of the 2015 licensing process and will be included in the 2015 annual report.

Fertilizer licensees are required to report tons of fertilizer sold from July 1st until June 30th of the following year. Firms report the tonnage sold at the time of license renewal, so the numbers in this annual report reflect the fertilizer sold for the time period of July 1, 2013 – June 30, 2014. The fertilizer tonnage reported for 2013-2014 was approximately 1.93 million tons, an increase of approximately 12% from the 1.72 million tons reported for the 2012-2013 period. The total tons of agricultural fertilizer reported sold or distributed into the state was 1.85 million tons, with 75,000 tons of non-agricultural fertilizer reported sold or distributed.

Soil or plant additive products sold by licensees are reported during license renewal for the previous calendar year. The total tons of soil or plant additives reported sold or distributed into Wisconsin during the 2013 calendar year was 72,904 tons, a 61% decrease from the 188,515 tons reported sold in 2012. The department will be looking at the tonnage reported for companies that hold both a fertilizer and soil or plant additive license to determine what might account for the significant decrease in the tonnage reported for soil or plant additives.

Lime tonnage reporting for the year's sales and distribution is not due until February 1st of the following year. The number of tons reported sold in 2013 decreased to 1.03 million tons from the 1.5 million tons that was reported in 2012.

Permitted Products

The program also permitted 443 new products for distribution as non-agricultural or special agricultural use **fertilizers** in 2014. This is an increase of approximately 23% from the 360 permits issued in 2013. The increase in permits issued can be at least partially attributed to a change in staffing and a deliberate effort to clear up the backlog of permit applications.

The department issued 105 new permits for distribution of **soil or plant additive** products in 2014. **Liming** material products that are not combination products do not require a permit for distribution.

Some products may be exempt from needing a permit, and there is an Organic Exemption Determination request that may be applied to some fertilizer and fertilizer/ soil or plant additive combination products. Over the past 5 years there have been 39 determinations granting organic exemption to various fertilizer or fertilizer / additive products. In 2014, there were 6 organic exemption determinations granted by the department.

Fertilizer Sampling

The department's Environmental Enforcement Specialists (EESs) collect surveillance fertilizer samples from facilities in the state during the spring/summer season and send samples to the department's laboratory for analysis. In 2014, the department's laboratory staff analyzed 335 blended fertilizer samples from facilities, which included liquid bulk, dry bulk and bagged fertilizer. Overall, 88% of all blended samples collected and analyzed met their required guaranteed nutrient

content and economic value. The percentage of mislabeled fertilizers was 12% in 2014, which means that one or more of primary nutrients in 39 of the samples collected and analyzed failed to meet their guaranteed nutrient content in 2014. These results show a 15% improvement from 2013, when only 73% of sampled fertilizers met the requirements. The results of the samples were sent to the companies, and the department will increase sampling next year at a number of facilities based on history of sampling results. The department has increased its on-site compliance visits and efforts over the past few years, and the increased attention towards noncompliant facilities may have helped improve the sample results. Increased compliance could also be a result of better ingredients and processes at the manufacturing end.

The EESs also collected 118 fertilizer ingredient samples (prior to blending for the customer), which laboratory staff analyzed. These samples for Nitrogen, Available Phosphate and Soluble Potash. The results were used to determine if the ingredients themselves are not meeting guarantees, and attributing to the blended fertilizer failures. Only one sample did not meet the guarantee, when analyzed. These results have enabled the department to determine that blending deficiencies may not be due to the ingredients used in fertilizer blending, but rather the ingredients' variable sizes, blending machinery or manufacturing practices that may cause the deficiencies.

The department will continue to evaluate fertilizer samples in 2015 and will take additional steps, as needed, to continue to improve the rate of properly labeled fertilizer in Wisconsin.

Compliance Actions

Staff did not conduct any compliance conferences with blending facilities for blending deficiencies in 2014. The facilities with a signed Assurance of Compliance to improve quality of fertilizer products or whom were placed under Special Order for 2013 had met all of the conditions in the agreements and all of the sampled fertilizer blends passed analysis. Staff will collect an increased number of fertilizer samples at facilities with prior blending deficiencies. In addition, the department will send letters of concern to a few facilities whose difficulty meeting label guarantees is more recent. The letters of concern offer guidance in meeting labeling criteria. Additional samples will be taken in 2015 to ensure these facilities have improved and are now meeting label guarantees.

Direction for 2015 and Other Updates

Approximately 475 fertilizer samples are scheduled to be collected at Wisconsin fertilizer blending facilities in 2015, as part of the department's on-going surveillance program. The field staff collect three surveillance samples, approximately every three years, at facilities without a history of compliance issues. When surveillance sample failures occur, fertilizer sampling increases in frequency and number at the site. The fertilizer program specialist will be working with staff to determine what areas of the fertilizer and soil or plant additive industry in Wisconsin need additional focus for the program's inspection development.

Staff and industry identified the need to evaluate fertilizer deficiency labeling criteria, as specified in Wis. Adm. Code, ATCP 40.14. The rule revision was initiated in December of 2014 when the Department of Agriculture, Trade and Consumer Protection (DATCP) Board approved of the ATCP 40 scoping statement. The scope of the rule revision is to review the formula that is used in

determining if fertilizer is mislabeled or deficient to ensure it is reflective of current wholesale market prices for fertilizer ingredients.

The department-wide enterprise licensing system which will allow for licensing, tonnage, inspections, grants and complaints to be completed electronically is still progressing. Program staff are revising application forms and working on other process documents that will be needed prior to the migration into the enterprise system.

Program staff will be working on various projects to improve the fertilizer program in 2015. These include an administrative audit of the fertilizer / soil or plant additive permit database, improvement of information available on the website, opportunities for marketplace inspections and other inspection program developments.

For more information you may email the department.

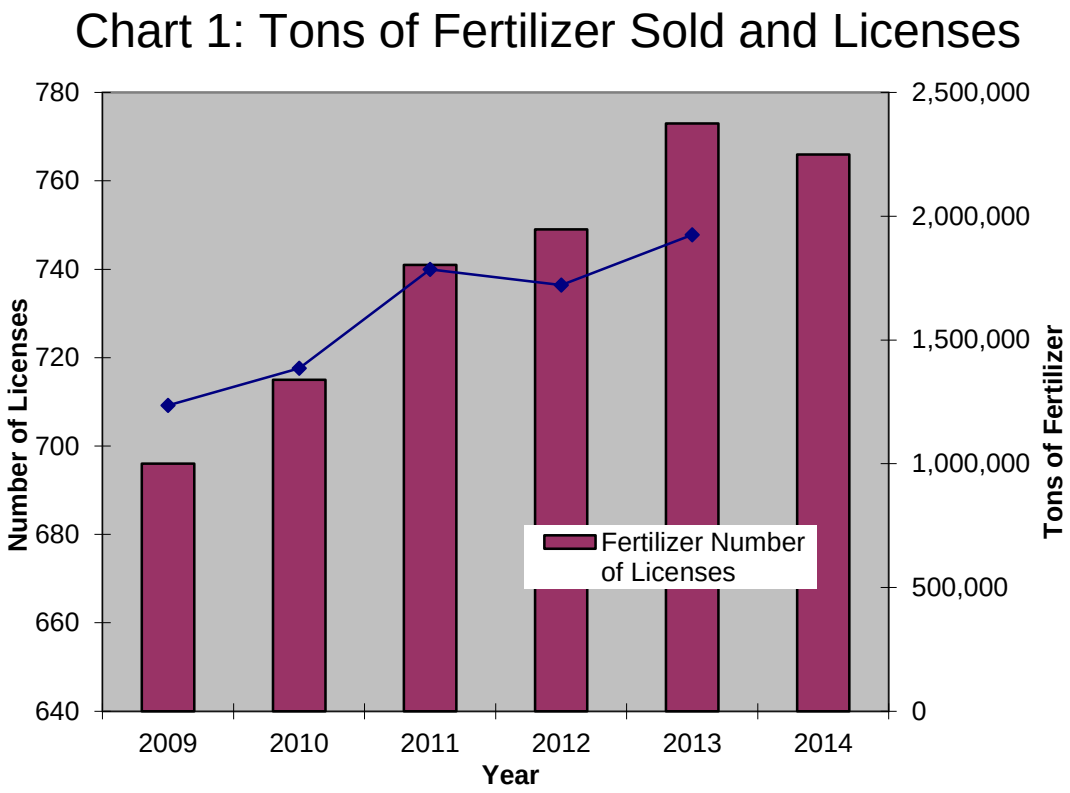


Chart 2: Tons of Soil & Plant Additive (SPA) Sold and

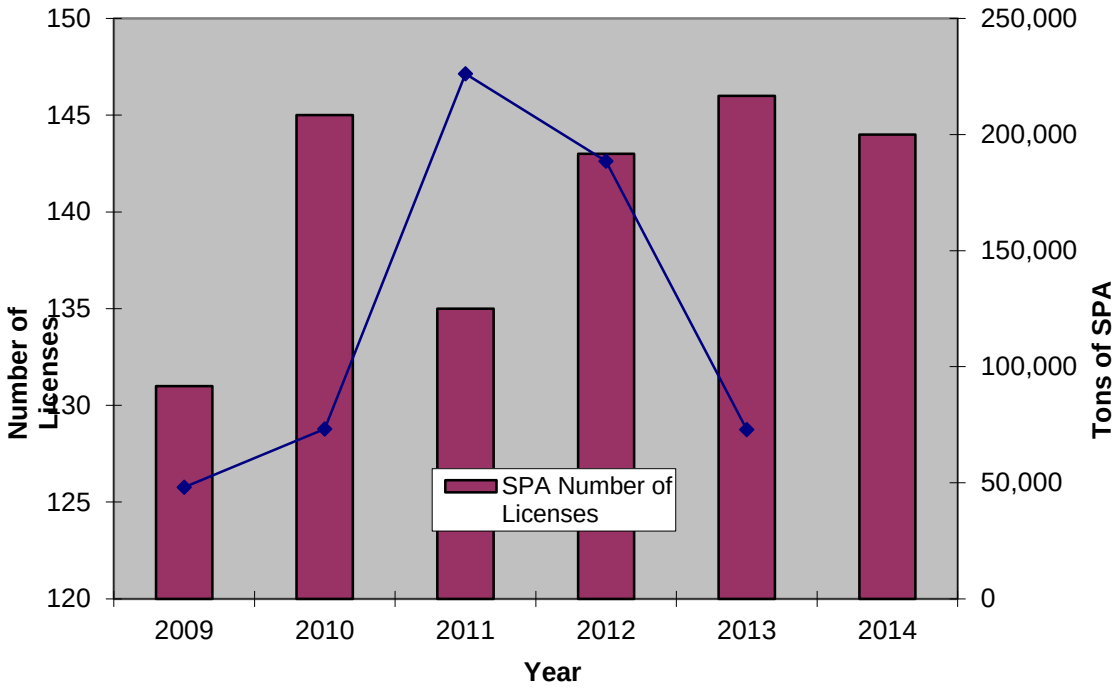
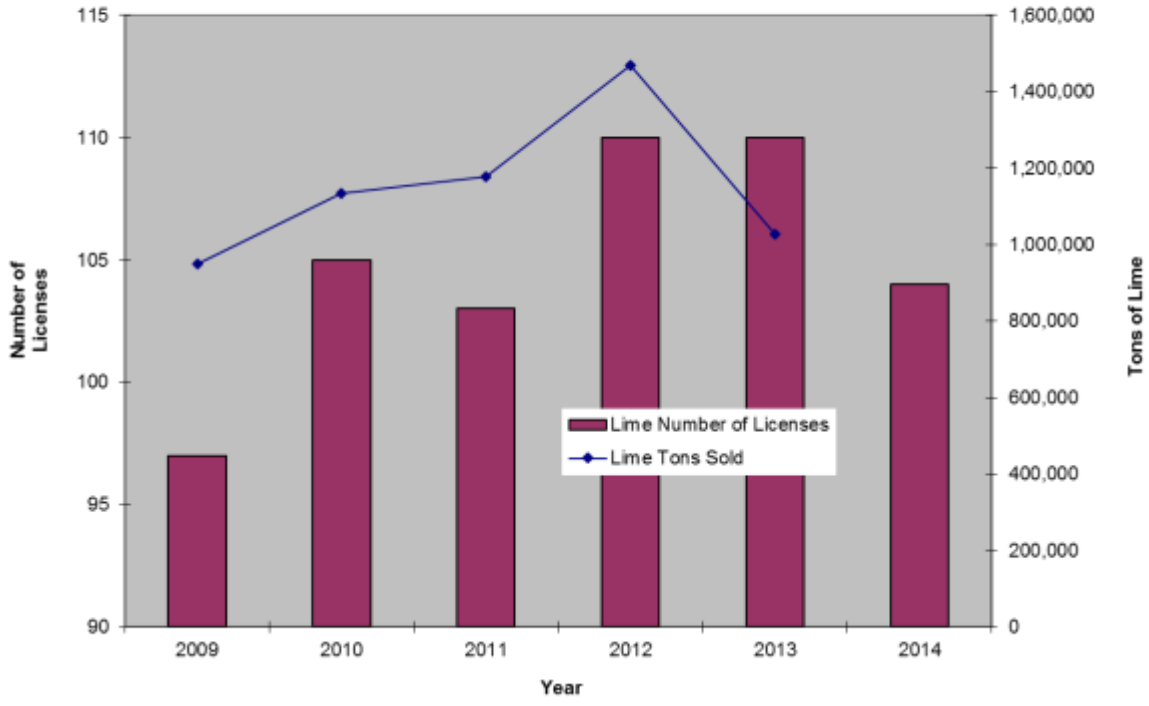


Chart 3: Tons of Lime Sold and Licenses Issued (2009-2014)



Landscape Registry

Since January 1993, individuals have been able to request advance notification of landscape pesticide applications. To receive this notification, people must sign up and list specific properties on the landscape registry. Professional lawn and landscape companies are required to notify individuals on the landscape registry prior to applying pesticides to the listed properties. The intent is to notify the interested public in advance so they may take steps to avoid possible exposure from pesticides to themselves, their children, or their pets. Chapter ATCP 29, Wis. Adm. Code also requires that signs are posted on landscape sites treated with pesticides.

The list of names, addresses and telephone numbers of persons wishing to be notified of neighboring landscape applications is maintained on an annual registry. Persons may only list properties that are located on their block of residence or any immediately adjoining blocks. No fee is required to be on the registry. The registry is provided to all the licensed landscape businesses required to provide the notice.

"Landscape" means turf, ornamental and mulched areas, and areas being prepared for those purposes, that are located in or around residential premises, public or commercial facilities, parks, workplaces, care facilities, recreational areas and public lands. "Landscape" does not include utility or transportation right−of−way areas, greenhouses, nurseries, or areas used for agricultural production, forest production or commercial turf production.

Program Activities

Businesses use a searchable, on-line database to retrieve the registry information they need when they need it. Individual registry addresses, or the entire registry listing can be exported into Excel, if preferred. The department no longer prints and distributes registry books for the lawn and landscape companies. However, the complete registry is posted online as a PDF which may be downloaded and printed. The on-line registration process has been used since December 1, 2011.

Five hundred twenty eight people signed up to be on the landscape registry in 2014. Most of these people registered on-line, yet the department continues to assist participants that are not able to electronically register themselves. Participants listed 5,707 addresses for which they requested advance notification of pesticide applications in their neighborhoods. Each year between Nov. 1 and Feb. 28, individuals must renew their addresses to remain on the registry. The 5707 addresses are about half the number of participants the registry contained at its peak. The initial decline in registrations preceded the on-line registry although the first year of the on-line registry showed the largest drop. Participation on the landscape registry has stabilized the last several years.

Compliance Update

The enforcement strategy pertaining to the violation of failing to properly notify individuals required by the registry was updated for 2014. Businesses that do not provide proper notice receive a warning notice for the first two confirmed violations, and the third violation within the same calendar year will now result in a civil forfeiture.

The department received 32 valid complaints where individuals did not receive advance notification; warning letters were sent to the application businesses. One enforcement action was initiated for a business that failed to provide adequate advanced notice to registry participants.

The lawn care industry continues to be cooperative in working with the department to make this program successful.

Direction for the Future

In 2015, the department will improve the on-line registry in order to better implement the program. The Registry will be updated to allow participants to more readily identify the status of their account, align the terminology for entering addresses with department standards and implement other program updates to improve the functionality for staff and the public.

For more information you may email the department.

Pesticide Product registration and Labeling

Prior to the distribution of any pesticide product for use or sale in Wisconsin, pesticide manufacturers and labelers must obtain a license from, and list their products with, DATCP. Listing of products offered for sale in Wisconsin creates a level playing field for the pesticide industry by ensuring products are properly registered by the U.S. Environmental Protection Agency (EPA) or are exempt from EPA registration. Annual license fees are based on the type of product and the amount of product estimated to be sold in Wisconsin during the current license year. These fees comprise the largest portion of the Agricultural Chemical Management (ACM) fund. This fund supports the work of all of the department's pesticide-related programs. The surcharges collected through this program also help to fund the Agricultural Chemical Cleanup Program (ACCP).

The pesticide product registration and labeling program requires licensees to estimate sales for the current licensing year and pay a license fee based on the type of product and the estimated sales of that product. At the end of the licensing year, the licensee reconciles the estimated sales with the actual sales. Licensees who overpaid can apply the overpayment to the next year's estimated fees or request a refund. Licensees who underpaid are billed for the difference.

A searchable database for current Wisconsin-registered pesticide products is updated weekly and also includes minimum risk pesticides that are exempt from EPA registration under Section 25b of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Program Activities

Chart 1 indicates the annual licensing of companies and product registration activity in 2014. This information shows that in 2014 staff renewed or issued pesticide licenses to 1,259 manufacturers and labelers (a slight decrease from 2013) and listed 12,617 pesticide products (a slight increase from 2013). Most products are listed for household, industrial, or non-household use with estimated sales under $25,000.

The program occasionally receives applications for new, first-time registrations of products after DATCP has already issued a license to the manufacturer/labeler. In 2014, the program continued providing e-mail confirmation of completed first-time registrations to the applicants. Application forms and instructions related to licensing procedures are available online.

The program requires electronic submission of product labels in pdf format, via e-mail or CD. These labels are electronic versions of the labels that are affixed to pesticide containers. DATCP uploads the labels to the online database for Wisconsin-registered pesticide products. To determine whether the container label is available for any given product, look for the "Click here to View Product Label" statement on the information screen for that product, an example of which can be seen on this page.

Marketplace (e.g. retail sales locations) inspections were conducted using either federal (EPA) or state credentials. DATCP conducted approximately 13% more (233 in 2014) than in the previous year (204 in 2013). The most common violation in the pesticide registration and labeling program is the sale of unregistered products. The penalty for selling a pesticide not registered in Wisconsin is that the manufacturer and labeler must pay double the registration fee to register their product the

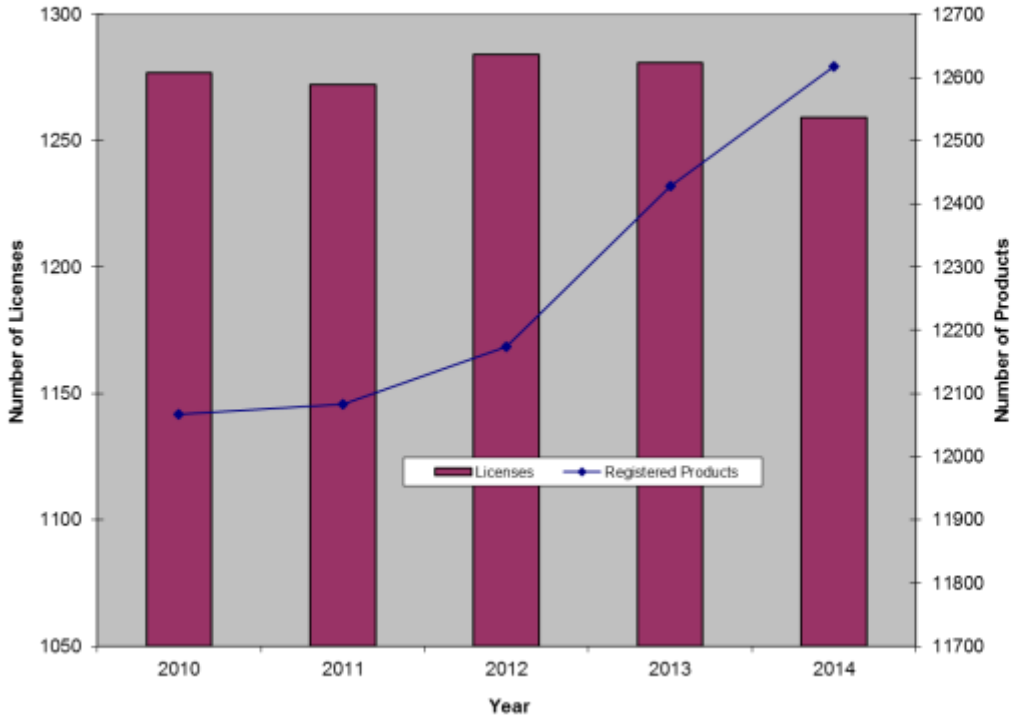
first year. This year, these inspections discovered 25 products that were not registered with DATCP. Program staff issued holding orders on these products and followed up with the registrants to get the products properly registered. Once the products were registered with DATCP, the holding orders were lifted. Results of the 15 inspections conducted under EPA credentials were forwarded to the regional EPA office.

Direction for the Coming Year

The program continues to review the licensing system to find ways to make this process more efficient for the department and licensees, including preparation for conversion to a new technology system that will include on-line licensing and payment. The department will work with registrants to develop a system that meets both industry's and DATCP's needs.

The program also will continue to provide technical assistance to field inspectors as they inspect pesticide retailers and pesticide producing establishments. For more information you may email the department.

Chart 1: Pesticide Product Licensing and Registration by Year (2010-2014)



Pesticide Special Registration

Normally, pesticides are federally registered with the U.S. Environmental Protection Agency (EPA) and labeled for use in specific locations (such as weed control in cranberries) with specific directions and restrictions. However, sometimes crop producers and other pesticide users encounter pest problems that cannot be sufficiently managed using available EPA-registered pesticides with the corresponding directions and restrictions. Examples of such pest problems include: a pest developing resistance to existing pesticides, unexpected weather resulting in increased pest populations, the cancellation of previously effective pesticides, or the emergence of a new pest for which existing pesticides are not effective or not labeled for use in the needed locations.

Program Highlights

The following are the registrations and exemptions issued in 2014:

- 15 Section 24(c) registrations were in effect:
  - One new registration for insect and nematode control in dry bulb onion.
  - One new registration for cucumbers
- One Section 18 emergency exemption was authorized by EPA:
  - One for Varroa mite control in beehives
- Hire of the new Pesticide Registration/School IPM Program Specialist

The DATCP Pesticide Special Registrations program responds to emergency and non-emergency pest management needs of Wisconsin's agricultural producers. Most requests pertain to minor food crops, such as cranberries and onions, where effective pesticide products are not yet available.

Emergency requests are prepared and submitted to DATCP by technical experts, typically crop/pest researchers at the University of Wisconsin. Non-emergency requests are prepared and submitted by pesticide manufacturers or labelers, with the assistance of technical experts. If a request is authorized, pesticide users must obtain, and have in their possession at the time of application, authorized special use directions to legally use pesticide products for the requested purposes.

The department processes two types of requests for pest control: emergency exemptions and special local need (SLN) registrations.

- Emergency exemptions are authorized directly by the EPA under section 18 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). They provide time-limited use of specific pesticide products to manage urgent, non-routine pest situations for which there are no sufficient, available EPA-registered pesticides. Section 18 emergency exemptions are intended to prevent significant economic loss, prevent significant health risks posed to humans or other animals, or address crises of imminent threat. For food or feed uses, EPA establishes time-limited tolerances that allow certain amounts of the pesticide to be present in or on the food or feed. Emergency exemptions are authorized for up to one year at a time.

In 2014, EPA authorized one section 18 exemption for Hopguard to help control Varroa mite in bees.

- SLN registrations are authorized directly by DATCP under ch. ATCP 29.72, Wis. Adm. Code and section 24(c) of FIFRA and subsequently reviewed by EPA. This type of special request is intended to meet a special local need in Wisconsin, which is a current or imminent pest problem that cannot be adequately controlled by the use of any available federally-registered pesticide product. SLN registrations are authorized for up to five years at a time.

In 2014, 15 section 24(c) registrations were in effect. Most were continuing registrations from those issued in 2011 and 2013 for crops such as long-season potatoes, field and sweet corn, ginseng, cherries/peaches/nectarines, strawberries, hops and dry bulb onions. The bureau issued two new section 24(c) registrations in 2014: Vydate L (DuPont) to help control insects and nematodes in dry bulb onions and Sandea (Gowan Company) to control Nutsedge and broadleaf weeds in Cucumbers.

Visit this web page for a list of Section 18 emergency exemptions and Section 24(c)/SLN registrations currently authorized for Wisconsin.

Experimental Use Permits (EUPs)

The program also processes requests to conduct experimental research with pesticides in Wisconsin. EUPs are authorized directly by DATCP under ch. ATCP 29.71, Wis. Adm. Code and section 5 of FIFRA. In 2014, the program continued to respond to inquiries regarding EUP requirements but did not issue any permits. The program did process an application for the experimental use of ZEQUANOX® in Keyes Lake, Florence County, Wisconsin. However, the application was withdrawn by the U.S. Geological Survey, Upper Midwest Environmental Sciences Center citing a lack of suitable lake bed substrate and lack of landowner support. For more information regarding Wisconsin requirements for EUPs, see ch. 29.71, Wis. Adm. Code.

Direction for the Coming Year

In 2015, the program will improve the instructions for Section 18 and EUP applications to ensure the department and EPA can review them and make decisions more expeditiously. Better instructions will also ensure applicants understand the type and amount of information that is required as part of a complete application. The program will also continue to respond to incoming requests related to new and expired Section 18 and 24(c) authorizations, and new EUPs. The program will revise its webpages with information related to special registrations and EUPs.

For more information you may email the department.

Pesticide Use

Pesticide products used in Wisconsin must be registered with the Environmental Protection Agency (EPA) and users must also adhere to Wisconsin's law on labeling directions including product storage, handling and use. Many of the Investigation and Compliance Section's activities are inspections of these practices and their associated records, as well as investigations of potential violations of the general label provisions or specific prohibitions contained in ch. ATCP 29, Wis. Adm. Code, and ch. ATCP 30, Wis. Adm. Code.

Implementation of Soil Fumigant Label Requirements

Throughout 2014, staff continued to work with pesticide applicators, crop growers, and others to address questions about EPA's new label requirements for certain soil fumigants that went into effect in 2013 during the implementation of the Phase 2 label changes. DATCP staff developed and distributed outreach materials, conducted field use observations, and updated the department's webpage to assist with the implementation of these changes, which included buffer zones, posting and other requirements.

Pesticide Use Observations, Records Inspections and Investigations

Department field investigators completed a variety of inspections of pesticide users and investigations of pesticide misuse complaints. Inspection of sales and distribution records are done at businesses to determine if restricted-use pesticides are only being sold to certified pesticide applicators. Staff also evaluate the completeness of pesticide application records developed by individual commercial and private applicators, including the

Pesticide Program Highlights

- Completed 295 pesticide related inspections, use observations and investigations.
- Documented over 130 violations during routine inspections and use observations, and provided guidance for complying with state and federal law.

Number of Inspections in 2014

- 42 restricted use pesticide dealer inspections
- 53 commercial applicator records inspections
- 40 private applicator records inspections/presentations
- 78 pesticide use observations
- 82 pesticide misuse investigations

Most Common Private Applicator Recordkeeping Violations

- Records lack date and time of application (43%)
- Records lack the pesticide mixing site location (13%)
- Records lack the brand name and EPA registration number of restricted-use product(s) (9%)
- Records lack the name of the individual who applied the pesticides (9%)
- Pesticide containers or tanks filled from an outlet not protected against backflow (9%)
- Remaining 17% of violations involve additional missing information from records; no records kept, or records kept for less than the required two years; improper disposal of pesticide containers. Investigators found no uncertified applicators using restricted-use products in 2014.

required pre-application information and posting requirements to customers. Investigators also observe pesticide use in a variety of agricultural and non-agricultural settings each year.

Every year the department receives complaints relating to pesticide use. All pesticide complaints received are evaluated. For some, the department initiates investigations to determine if improper use (misuse) of pesticides occurred. Compliance activities resulting from 2014 pesticide use observations, records inspections and the 82 pesticide misuse investigations are discussed in the Compliance and Investigation section of the annual report.

Pesticide Use Observations

DATCP staff observe pesticide applications made by business and agricultural producers every year. The intent of observing a broad spectrum of pesticide application types is 1) to help ensure applicators comply with federal and state requirements for pesticide use, and 2) to keep the department informed and up-to-date on changing pests, technologies and application practices. Through use observations, DATCP staff validate the proper use of products and required protection of persons and the environment. The observations also provide an opportunity to identify potential problems with the directions for use or sales/distribution practices.

Agricultural Use Observations

When a pesticide is applied to an agricultural commodity it is considered an agricultural use. During 2014, the department conducted 35 agricultural use observations. Staff focused primarily on products containing atrazine, soil fumigants, and pesticides used by aerial applicators. Agricultural pesticide use for honey production and other crops were also observed. The department noted six violations associated with incomplete application records and information to customer and an application by an unlicensed applicator.

Non-Agricultural Use Observations

Non-Agricultural pesticide applications are made for reasons other than growing a crop; for example, to control bedbugs in a hospital. Staff completed 43 non-agricultural use observations in 2014. The department observed a variety of non-agricultural pesticide applications including those made to landscaped areas and right-of-ways, to the inside of structures and to control aquatic vegetation and mosquitoes. Twenty six violations were documented during these observations. The most common violation was incomplete pesticide application recordkeeping. Two observations identified unlicensed individuals making pesticide applications.

Pesticide Special Registrations

A small number of pesticide products are authorized for special uses under sections 18 and 24(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). These uses are otherwise not allowed by existing product registrations and labeling. In addition, EPA and/or DATCP may issue an experimental use permit that allows testing of pesticides. Each year, staff perform use observations related to these time-limited special authorizations to help determine if the unique directions for use of each special authorization are being followed. Numbers of observations, violations, and types of violations are included in the summaries for Agricultural and Non-Agricultural Use Observations.

Private Applicator Records Inspection

Wisconsin requires a person who uses or directs the use of a restricted-use pesticide as an agricultural producer to become certified as a private pesticide applicator. Private applicators must maintain certain records related to the application of restricted-use pesticides.

In 2014, environmental enforcement staff completed 23 private applicator record inspections and found 30 total violations. Enforcement staff also provided instructions on applicator recordkeeping requirements at 17 private applicator training sessions offered by the University of Wisconsin Cooperative Extension. The training sessions reached 311 private applicators. The training sessions are an excellent opportunity for staff to reach a large number of private applicators. The sessions are also a chance to provide information on other important pesticide topics such as proper pesticide storage and disposal, spills and use of the herbicide atrazine. Violations are shared with UW Extension so future training sessions can emphasize problem areas.

Commercial Applicator Records Inspections

Businesses that contract for pesticide work are required to keep a record of each pesticide application for two years. Unlike private applicators, commercial applicator records are required for both general use and restricted use pesticides. During 2014, DATCP inspected application records at 53 businesses and documented approximately 100 violations. Business and commercial applicators most commonly fail to record all the elements required by law. For example, applicators forget to record the EPA registration number of the pesticide applied or the name of the applicator. Incomplete records often contribute to additional violations of the requirements to provide customer post-application information. Failure to provide pre-application information to customers or to residents is another violation commonly noted during records inspections. Most of the remaining violations relate to post-application information provided to customers; for example, precautions necessary to protect public health were not identified. Staff also documented two applicator licensing violations.

DriftWatch

The DriftWatch program was created by Purdue University to facilitate communication between specialty-crop growers and pesticide applicators. The goal is to ensure pesticide applicators are aware of the location and needs of specialty crops including bees, fruits and organic produce. Readily accessible information about sensitive crop locations can help applicators make informed decisions regarding pesticide use near sensitive crops. The Bureau's website has two videos to help educate the public about the DriftWatch program and pesticide drift.

The DriftWatch coordinator interacts with producers in order to encourage them to register for the program. Additionally, the program coordinator uses email campaigns to a number of organizations and individuals including organic farmers, farmers market managers, specialty-crop trade publications and organic certification agencies.

Over 580 Wisconsin producers have registered 982 specialty-crop sites and 302 apiaries on DriftWatch. The number of sites and the number of apiaries has nearly doubled from a year ago. Additionally, 33 pesticide applicators signed up to receive notifications about new sites on the DriftWatch maps as they are registered. However, at this time applicators are not required to be registered to view the DriftWatch maps.

Integrated Pest Management (IPM)

Integrated pest management (IPM) is an approach to pest control that relies on a combination of common sense practices for preventing and controlling pests and minimizing exposure to pesticides. For long-term pest control, it is essential to identify which pest is causing the problem and what caused the infestation to arise in the first place. Considerable effort is put toward preventing pest problems by controlling conditions that may attract and support pests, such as sources of food, water, and shelter.

The Integrated Pest Management (IPM) Program historically focused on implementing IPM in schools and other structural settings. In recent years, the focus has broadened to include both non-agricultural and, in limited cases, certain agricultural settings (such as Christmas tree production). In general, the program typically defers to the expertise of University of Wisconsin faculty and staff for implementation of IPM in agricultural settings. In 2014, program staff continued to respond to inquiries and gave a presentation on Wisconsin's voluntary IPM program and pesticide use requirements for schools at the Wisconsin Pest Control Association's "Technically Speaking" Conference.

Bed Bugs

The resurgence of bed bugs in recent years has continued throughout Wisconsin and the United States, infesting homes, apartments, hotels, retail stores, dormitories, offices, and even libraries. The pesticide program continues to respond to inquiries regarding management of bed bugs. During 2014, department staff observed structural pest control applications for bed bugs. Potential misuse of pesticides related to bed bug control is an increasing national concern. The department began a partnership with the University of Minnesota and other agencies located in the EPA Region 5 states to expand awareness of bed bugs and control options. For more information visit the Let's Beat the Bed Bug webpage. See the Wisconsin pesticide program's bed bug webpages for more information.

Direction for the Coming Year

In addition to the routine pesticide recordkeeping and use observations, the pesticide program will focus on the following activities:

Pollinator Protection

The department will assist the DATCP Plant Industry Bureau and the University of Wisconsin develop a state pollinator protection plan. A draft pollinator plan is expected in September 2015.

Soil Fumigants

DATCP staff will continue to work with pesticide applicators, crop growers, and others on implementing the Phase 2 label requirements, including observing fumigant applications.

Commercial Applicator Records Inspections

The department will work with industry associations in 2015 to remind businesses and applicators of recordkeeping requirements. An updated inspection form that better addresses rule requirements and informational needs also will be used in 2015.

Use Observations

For 2015, the department will observe many different agricultural and non-agricultural pesticide applications. Focus areas will cover pesticide use related to the following sites and uses: corn, forestry, soil fumigants, crops and pollinators, mosquito control, structural fumigation, rights of way and natural areas, turf and landscapes and products with special pesticide registrations.

IPM

Staff will continue to present school IPM information and address inquiries related to IPM as needed. The primary goal is to update, reorganize, and develop new content for the program's web pages related to IPM.

Endangered Species

The department will continue to assist with implementation of the Karner Blue Butterfly Habitat Conservation Plan, and will address other concerns as needed.

Pesticide Special Registrations

DATCP will continue working with grower groups to educate them on the role of special registrations.

For more information you may email the department.

Water Quality

One of the department's responsibilities is to implement regulations to protect groundwater from pesticide and nutrient contamination. Staff identify, monitor, and analyze problem areas within the state, investigate wells that exceed groundwater standards to identify potential sources of contamination, and conduct statewide sampling surveys to analyze nutrient and pesticide impacts to groundwater and to evaluate the effectiveness of the department's water quality programs.

Program Highlights

- Collected 143 groundwater samples
- Analyzed 111 surface water samples
- Conducted four groundwater investigations
- Detected 19 compounds

Private Well Monitoring

Private Well Sampling (Exceedance Survey)

DATCP samples private wells statewide to evaluate the presence of pesticides and nitrate in drinking water. In 2014, staff collected and analyzed groundwater samples from 18 private wells where a pesticide had been found (at least once) in excess of its enforcement standard (ES) established under ch. NR 140, Wis. Adm. Code. This "Exceedance Survey" is conducted annually to check how concentrations change in these wells over time. Most of these wells are in the survey due to the presence of the herbicide atrazine. Since most of the wells are in atrazine prohibition areas, where atrazine can no longer be used, most of them have shown a decrease in atrazine concentrations. Sampling in 2014 revealed that two of 18 wells tested (one in Columbia Co., and one in Sauk Co.) remain above the ES for atrazine. Both of these wells are located inside the two most recently created atrazine prohibition areas (2011). DATCP staff will collect additional groundwater samples near both of these impacted in 2015 as a part of the "Targeted Sampling Program". The department also tests these wells for nitrate-N. It was also found that 12 of the 18 wells exceeded the ES for nitrate-nitrogen (10 ppm). Additional exceedance well sampling will occur in 2015.

Private Well Sampling (Targeted)

The purpose of DATCP's Targeted Well Sampling Program is to collect groundwater samples from private wells located in environmentally sensitive agricultural cropping areas across Wisconsin. Samples are analyzed for specific agricultural contaminants to evaluate the need for issuing drinking water advisories or developing groundwater protective measures in an area. In 2014, testing included nitrate-nitrogen, a suite of common corn and soybean herbicides, and a number of neonicotinoid insecticides.

Common Agrichemicals Found in Groundwater

- Nitrate-Nitrogen
- Metolachlor ESA
- Metolachlor OA
- Alachlor ESA
- Atrazine and Metabolites
- Thiamethoxam
- Imidacloprid

A total of 69 groundwater samples were collected from four areas as a part of the 2014 Targeted Sampling effort. Samples were collected from homes located in the agricultural areas of the state shown on the attached figure. Nitrate-nitrogen was detected above the drinking water standard (10

ppm) in approximately 40 percent of the wells sampled. For comparison purposes, the proportion estimate from our most recent random survey of wells statewide revealed that nitrate was found to exceed the 10 ppm standard in about nine percent of wells in Wisconsin. It is not uncommon for a higher percentage of wells in the Targeted sampling program to exceed the nine percent proportion estimate simply because the wells are not selected at random, but rather because they are located within areas having high percentage of agricultural land use.

The two most commonly detected pesticide metabolites in the 2014 Targeted Sampling project were metolachlor ethanesulfonic acid (ESA) and alachlor ESA, which were detected in approximately 56 percent and 45 percent of the wells sampled, respectively. Metolachlor ESA and alachlor ESA were also the most commonly detected compounds in DATCP's statewide survey of 2007, with approximately 21.6 percent of the wells having detectable concentrations of these pesticide metabolites.

Atrazine was detected in 8 of the 69 wells sampled, with a maximum concentration of 5.32 ug/l. Atrazine TCR (atrazine plus its three breakdown products) was detected at low concentrations in 16 of 69 samples collected (23 percent). Atrazine TCR was quantified above the NR140 ES (3.0 ug/l) in just two wells. Drinking water advisories were issued to the owners of these wells. The bureau also evaluated the need to conduct detailed investigations into the source of contamination at these wells.

Several neonicotinoid pesticides including acetamiprid, clothianidin, dinotefuran, imidacloprid, and thiamethoxam were included in the list of analytical tests performed. Clothianidin was detected in four wells, imidacloprid was detected in eight and thiamethoxam was detected in three wells. All of the wells with neonicotinoid detections were located in the Central Sands growing area. The State currently has no drinking water standards for these compounds. DNR and DHS have joint responsibility for groundwater standards development, and the department has provided the data to DNR for possible future standards development.

Groundwater Investigations

In 2014, staff initiated four groundwater investigations. Two investigations focused on determining the source of the pesticide atrazine in wells, and two focused on the presence of high nitrate nitrogen. The bureau conducts groundwater investigations to document the use of the pesticides or fertilizer in the area of the impacted well(s) in an attempt to determine if department rules (containment, spills, product handling) have been violated. During an investigation, local growers are interviewed regarding their pesticide and fertilizer use history, and DATCP staff look for evidence of spillage, illegal disposal, back siphon events, or improper product handling. The results of these investigations will be known in the coming year.

Surface Water Sampling

Between March and December 2014, DATCP assisted the Department of Natural Resources (DNR) with a surface water sampling project to help determine the impact of agricultural pesticides on streams in large watersheds across Wisconsin. During the project, DNR collected the samples and DATCP analyzed them for pesticides through the Bureau of Laboratory Services (BLS).

A total of 111 surface water samples were collected. The most frequently detected compound was metolachlor ESA, a breakdown product of metolachlor, the active ingredient in a number of popular corn herbicides like Dual, Halex GT, Lumax and others. Metolachlor ESA was quantified in almost 80 percent of all samples collected. The second most commonly detected compound was metolachlor oxalamic acid (OA), which was quantified in 23 percent of the samples. This was followed by alachlor ESA (21%), total atrazine (13.5%) and acetochlor ESA (12.6%). Low concentrations of other pesticides detected included 2,4-D, acetochlor OA, alachlor OA, bentazon, imidacloprid, metolachlor, metribuzin, simazine, and thiamethoxam.

The surface water sampling project generally showed that low concentrations of pesticide products enter rivers during or after the primary pesticide application season, likely via storm water runoff events occurring mainly in June and July. The results gathered late in the year suggest that low levels of pesticide metabolites also enter streams via contaminated groundwater base flow.

Only two of the pesticides quantified were present at concentrations exceeding aquatic benchmarks established by U.S. EPA-Office of Pesticide Programs. These included the pesticides metolachlor and atrazine. A sample collected from the Milwaukee River in June revealed an atrazine concentration of 2.66 ug/l, exceeding the benchmark standard of 1.0 ug/l for acute non-vascular plants. The same sample had metolachlor at a concentration of 3.43 ug/l, exceeding the benchmark standard of 1.0 ug/l for chronic effects on invertebrates. The DNR will evaluate the meaning of these results and incorporate all of the pesticide data into their routine reporting of surface water results to EPA.

Monitoring Well Sampling

The primary goal of the groundwater monitoring well sampling project is to identify pesticides that reach shallow groundwater in agricultural use settings. The results are used to set the testing parameters for our potable well testing programs, and to help decide whether additional measures are needed to prevent contamination of groundwater that results from routine applications of pesticides. The department also provides the data collected to the land owners at the well sites, the public and other state and federal agencies involved in water resource protection.

Sampling a bedrock monitoring well.

In 2014, staff collected 38 groundwater samples from 28 field-edge monitoring well sites and analyzed them for nitrate-N and pesticides of interest. The results show that 15 different compounds were detected in groundwater monitoring wells, but that only nitrate-N exceeded its 10-ppm ES.

Special Projects

Section staff completed a monitoring program on water table monitoring wells located in fields at two State-owned forest seedling nurseries. The results revealed that a metabolite of the pesticide dacthal was impacting the groundwater below one of the nursery sites. While no NR 140 ES was exceeded, staff were able to suggest that the nursery eliminate the use of dacthal at that facility. Once dacthal was eliminated, the concentrations decreased sharply over time. Staff submitted a final letter report to DNR recommending that the sampling program end, and the wells will be abandoned in 2015.

In 2014, "Atrazine Use Observations" were completed in 12 atrazine prohibition areas (PAs). These observations serve a two-fold purpose. First, as an outreach reminder to growers that atrazine use is prohibited on fields located inside of a PA. And second, as an enforcement tool to deter the potential for misuse of atrazine inside of PAs. In 2014, two violations involving the use of atrazine inside of PAs were discovered as a direct result of performing Atrazine Use Observations. These violations were referred to the Investigation and Compliance Section for enforcement action.

DATCP staff also coordinated with DNR the testing of sediment samples collected from 33 streams across the State for pesticides. Similar to the surface water sampling work, the sediment samples were collected by DNR staff and submitted to DATCP BLS for analysis. BLS will complete the testing in early 2015 and the results will be sent to DNR for inclusion in their reports on surface water quality.

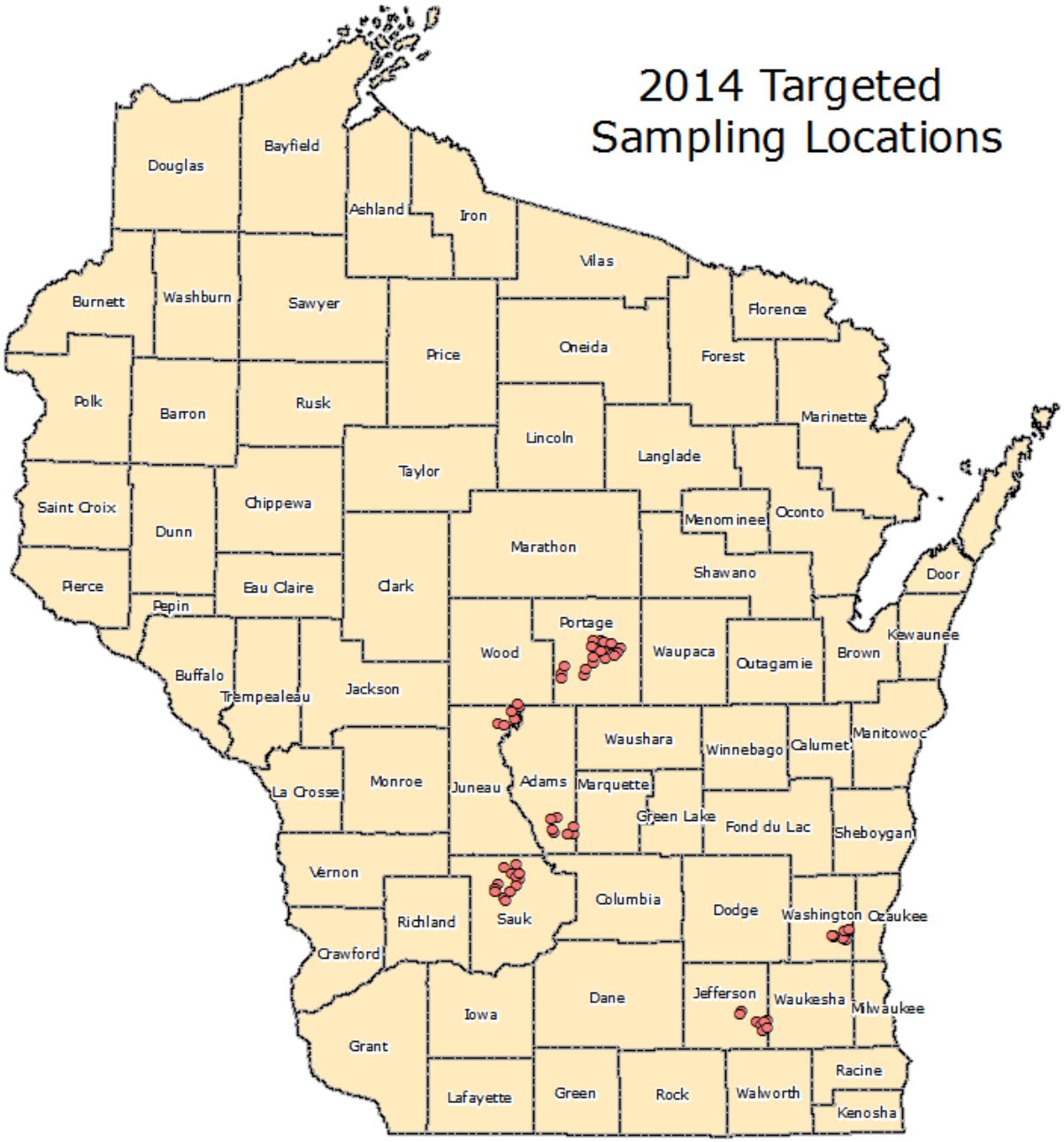
Direction for the Coming Year

In 2015, we will be completing the planning work associated with conducting a statewide survey of groundwater quality in private wells. The planned survey will actually begin in 2016, but there is significant planning involved with this undertaking. As a part of this effort, DATCP Environmental Quality Staff have initiated discussions with staff from the National Agricultural Statistics Service-Wisconsin Field Office to help develop a stratified random sampling design similar to our last survey conducted in 2008. Work to be completed in 2015 includes writing and submitting grant proposals to help fund this significant undertaking, as well as coordinating the effort with DATCP's Bureau of Laboratory Services.

Nest of field edge monitoring wells adjacent to irrigated cropland.

We also will continue to work with Bayer Crop Science to discuss the possible registration of herbicide products containing isoxaflutole. Isoxaflutole is a selective herbicide for control of certain broadleaf and grass weeds in field corn (and potentially other crops). It is the active ingredient in Corvus Herbicide, Balance Pro and Balance Flexx. Wisconsin originally proposed a restricted registration of isoxaflutole to the registrant in 1990 due to concerns over possible surface and

groundwater contamination and effects on non-target plants. The registrant decided to not register their products in Wisconsin at that time, but has begun working with the department again on registration discussions.


2014 Targeted
Sampling Locations
Douglas
Bayfield
Ashland
Iron
Vilas
Florence
Burnett
Washburn
Sawyer
Price
Oneida
Forest
Marinette
Polk
Barron
Rusk
Lincoln
Langlade
Oconto
Saint Croix
Dunn
Chippewa
Taylor
Menominee
Marathon
Shawano
Door
Pierce
Pepin
Eau Claire
Clark
Portage
Wood
Waupaca
Outagamie
Brown
Kewaunee
Buffalo
Trempealeau
Jackson
Waushara
Winnebago
Calumet
Manitowoc
La Crosse
Monroe
Juneau
Adams
Marquette
Green Lake
Fond du Lac
Sheboygan
Vernon
Richland
Sauk
Columbia
Dodge
Washington
Ozaukee
Crawford
Iowa
Dane
Jefferson
Waukesha
Milwaukee
Grant
Lafayette
Green
Rock
Walworth
Racine
Kenosha

Worker Protection

By enforcing the federal Worker Protection Standard (WPS), the Department of Agriculture, Trade and Consumer Protection protects employees on farms, in forests, nurseries and greenhouses who are at greatest risk from occupational exposure to agricultural pesticides. Developed by the US Environmental Protection Agency (EPA) and adopted into ch. ATCP 29, Wis. Adm. Code, the WPS requires employers to protect their workers and handlers who apply pesticides or work in pesticide treated areas. Employers must provide employees with information on pesticide application locations, entry restrictions, pesticide safety training, and emergency medical information and must also provide personal protective equipment and decontamination supplies.

Program Activities

Wisconsin implements the WPS through education and enforcement.

Based on an evaluation of industry practices and previous inspection findings, the WPS program sets an annual plan to conduct outreach, provides individual and industry-wide assistance and monitors for and ensures compliance. WPS is a relatively small inspection program in Wisconsin. To gain an accurate picture of WPS compliance, the program alternates inspection years between food and non-food related establishments. Inspections in 2014 focused on the food production sector such as apple orchards, vineyards, cranberry marshes or fruit or vegetable farms. In 2013, inspections focused on non-food production such as Christmas trees, greenhouses and plant nurseries. In 2014 there also were some non-food operations inspected either as a re-inspections from the previous year or an inspection opportunity presented itself to the investigator.

Outreach

Many of the commodities (both food and non-food) have the support of a professional organization that can provide members with WPS information. However, not all producers choose to be members, and some smaller, more independent enterprises may not have access to pesticide safety updates. Therefore outreach to all the industries using different methods such as news articles, releases, websites and presentations, is important. The federal WPS program was established in the early 1990s so there is a new generation of farmers who may not be familiar with WPS and need to be introduced to the program or need to have the program requirements reinforced.

The program specialist connected with the Migrant and Seasonal Farm Worker (MSFW) program through the Wisconsin Department of Workforce Development (DWD). The MSFW inspects migrant labor camps and checks compliance with farm labor contracts. Another group of DWD outreach specialists works closely with job centers throughout the state where they interact with migrants, seasonal farm workers and other non-English speaking workers.

Training

In 2014, the WPS program continued its efforts to work with employers of agricultural workers. An investigator and program specialist presented information on WPS and pesticide regulations at a spring workshop for hop growers. This is an emerging industry in Wisconsin with many interested growers and many have a limited agricultural background. Approximately 85 were in attendance.

A special Train the Trainer workshop was presented at the Wisconsin Fresh Fruit and Vegetable annual conference in January. The workshop was presented by the director of the pesticide applicator training program (PAT) at the University of Wisconsin-Madison and the WPS program specialist. Approximately 25 growers were trained and were given certificates that recognized them as qualified trainers for worker protection. We're finding a growing need for this type of training. It appears that more growers are not using restricted use pesticides so they have no need for pesticide certification. However, according to state and federal requirements, they are not considered a qualified WPS trainer. Wisconsin does not routinely offer training workshops – this was done at the request of industry and was a first of its kind. Growers who aren't certified or those who don't have certified applicators or trained pesticide handlers, are encouraged to take advantage of the on-line Train the Trainer course offered by Iowa State University.

Compliance

For the federal fiscal year (Oct 1, 2013 through Sept. 30, 2014; FY14), staff conducted inspections at 21 operations. There were 19 Tier 1 inspections that took place within the Restricted Entry Interval (REI) or within 30 days of the end of the REI, and 2 Tier 2 inspections. Tier 2 inspections are beyond the 30 day interval or the operation has a family exemption. The number of inspections for FY14 are down by 10 compared to 2013. The reason for the decline is that we had one investigator retire and another received a promotion to a supervisor and these changes took placed before their worker protection inspections were completed.

For 2014, the investigators found 13 different categories of violations or 34 total violations across all establishments inspected. This was a decrease from 84 total violations in 2013. While there were fewer overall inspections, the average number of violations per inspection was also down. (See Table 1 below.) There were 8 warning notices issued and 10 verbal warnings; one operation had both a verbal warning and written warning. There were 2 inspected establishments with no violations. One WPS inspection will be elevated to a compliance case in 2015.

Table 1

	Federal fiscal 2013 (10/1/2012-9/30/2013)	Federal Fiscal 2014 (10/1/13-9/30/14)
Inspections	31	21
Operations with no violations	13	2
Total violations	84	34
Violations per operation	4.6	1.8

In 2013, staff began using a more detailed inspection form. Unfortunately, our case tracking database was not able to be updated to reflect the finer detail. For example, a decontamination site failing to provide a change of clothes would be a violation of 40 CFR 170.250(b)(4). However, within the compliance database, it could only be recorded as a violation of 40 CFR 170.250 which is a failure to provide a decontamination site, which is not exactly the same issue. For 2014, the program specialist reviewed case violations in more detail. The violations are listed according to federal code.

Most common 40 CFR violations were:
5 – 170.130(a)(3), pesticide safety training not provided to workers

5 – 170.122, no specific application information at central area
5 – 170.122(c)(2), pesticide application information missing active ingredient
4 – 170.122(c)(3), pesticide application information missing start and stop time
3 – 170.250(b)(4), decontamination area for handlers missing a change of clothes
3 – 170.230(a), handlers received no safety training
2 – 130 (d)(2), unqualified trainer for workers
2 - 170.135, no WPS safety poster
1 – 170.130(e), no pesticide training records maintained
1 – 170.120(c)(6)(ii), worker protection warning signs not removed after 3 days after REI ends
1 – 170.150 (b)(3) decontamination area for handlers (spray rig) missing soap and towels
1 – 170.135 (c), central posting area missing hospital address
1 – 170.122(a)(c), no emergency medical information provided

Enforcement staff also followed-up with operations that received warning notices the previous year. In 2013, 6 warning notices were issued. All operations were in compliance at the follow-up in 2014.

Chart 1 shows the breakdown of the types of operations inspected for WPS in 2014.

WPS Rule Revision

In February, 2014, EPA offered a proposed rule for the revision of the Agricultural Worker Protection Standard. The WPS program specialist and agrichemical management bureau director prepared nine pages of comments on the rule proposal. The comments were mostly supportive but included some recommendations to revise certain aspects of the rule proposal. The final rule should be published sometime in 2015.

Direction for the Coming year

The program continues to work with field staff and other pesticide specialists on the effects of changes that soil fumigant rules have on worker protection. In 2014 there were no soil fumigation inspections that also involved a WPS inspection.

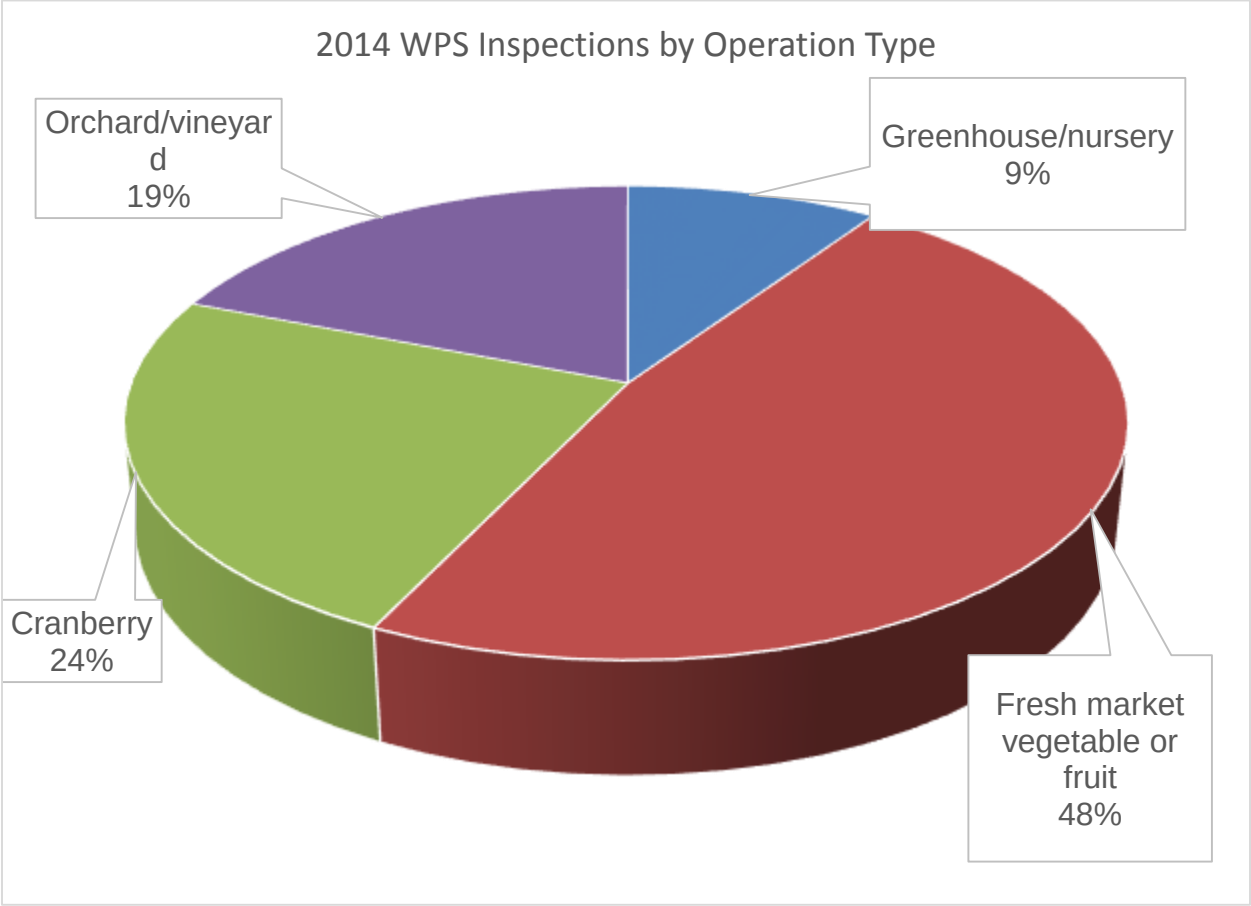
The program specialist will continue to meet and share information with farm worker groups. Migrant health care providers in Wisconsin are another group that the program specialist will reach out to in the coming year.

The program will continue to provide information to industry groups through speaking engagements, articles and conferences.

In anticipation of the publication of the final WPS rule, a workgroup will be established to address the needs of industry and investigators including outreach, inspection form revision, and training. We expect that this major rule revision will be phased in for up to 18-24 months so outreach to industry and training of our own field staff will be a major program activity over the next year or two.

For more information you may email the department.

Chart 1: WPS Inspections by Operation Type, 2014



Decontamination Supplies (gloves, goggles, coveralls)
Photo Credit – Chris Lettau

WPS warning sign (hinged to cover sign at end of restricted entry interval)
Photo Credit – Chris Lettau